

A RESOLUTION APPROVING THE TRANSFER OF THREE PARCELS OF CERTAIN REAL ESTATE LOCATED ALONG GRAND NATIONAL DRIVE AND ELECTRA DRIVE, FORT WAYNE, INDIANA, FOR THE CITY OF FORT WAYNE, BY AND THROUGH THE BOARD OF PUBLIC WORKS - RESOLUTION #111-6-4-24-1.

WHEREAS, the City of Fort Wayne, through its Board of Public Works – Resolution #111-6-4-24-1, desires to acquire properties located along Grand National Drive and Electra Drive, 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 Grand National Drive and Electra Drive, 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 purposes; 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 Grand National Drive and Electra Drive, Fort Wayne, Indiana, specifically described in the

1 Resolution, Exhibit "A," is hereby approved and agreed to. The appropriate officials
2 of the City are hereby authorized to execute all documents necessary to
3 accomplish said acquisition.
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5 **SECTION 2.** This Resolution shall be in full force and effect from and
6 after its passage and any and all necessary approval by the Mayor.
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8 _____
9 Council Member

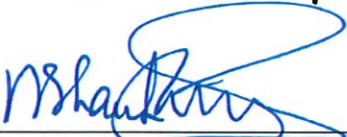
10
11 APPROVED AS TO FORM AND LEGALITY
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13 _____
14 Malak Heiny, City Attorney
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Approval of Resolution #111-6-4-24-1, Warranty Deeds for the Conveyance of Property to the City of Fort Wayne for Right-of-Way located along Grand National Drive & Electra Drive.

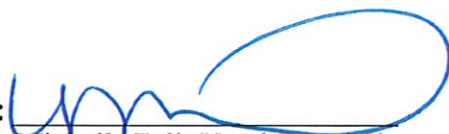
BOARD OF PUBLIC WORKS

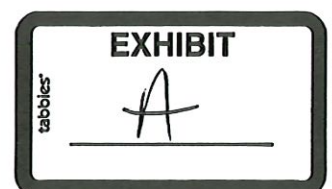
Date: 6.4.2024

BY: 
Shan Gunawardena, Chair

BY: 
Kumar Menon, Member

BY: 
Chris Guerrero, Member

ATTEST: 
Michelle Fulk-Vondran, Clerk



Grand National Drive

WARRANTY DEED
(Fee Simple Right of Way)

THIS INDENTURE WITNESSETH, That MENARD, INC., the Grantor(s) of Eau Claire County, State of Wisconsin Convey(s) and Warrant(s) to the CITY OF FORT WAYNE, INDIANA, A MUNICIPAL CORPORATION, the Grantee, for and in consideration of the sum of One Dollars (\$1.00) (of which said sum \$1.00 represents land and improvements acquired and \$0.00 represents damages) 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(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference.

This conveyance is subject to any and all easements, conditions and restrictions of record.

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and for right of way purposes, and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

The undersigned represents and warrants that he is a duly appointed representative of the Grantor; that the Grantor is a corporation validly existing in the State of its origin and, where required, in the State where the subject real estate is situated; that the Grantor has full corporate capacity to convey the real estate interest described; that pursuant to resolution of the board of directors or shareholders of the Grantor or the bylaws of the Grantor he has full authority to execute and deliver this instrument on its behalf and that said authority has not been revoked; that he is therefore, fully authorized and empowered to convey to the City of Fort Wayne, Indiana real estate of the Grantor, and that on the date of execution of said conveyance instruments he had full authority to so act; and that all necessary corporate action for the making of this conveyance has been duly taken.

The grantor(s) assume(s) and agree(s) to pay the 2023 payable 2024 real estate taxes and assessments on the above described 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.

For the purpose of recordation, this instrument is crossed referenced with the last Deed of Record, which Deed is recorded in the Office of the Allen County Recorder as Document No. 200002356.

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

IN WITNESS WHEREOF, the said Grantor(s) has executed this instrument this 24 day of April, 2024

MENARD, INC.

Signature

(Seal)

Theron J. Berg, General Manager Properties

Printed Name

STATE OF: Wisconsin

SS:

COUNTY OF Eau Claire:

Before me, a Notary Public in and for said State and County, personally appeared Theron J. Berg, General Manager Properties of MENARD, INC., the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 24 day of April, 2024.

Signature

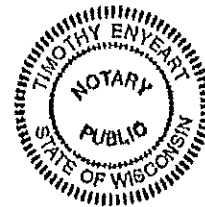
Printed Name

My Commission Number

My Commission Expires

I am a resident of

County. Wisconsin



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, Associate Attorney, City of Fort Wayne Law Department, 200 E Berry St, FW IN 46802, Attorney Number: 28862.49

Exhibit "A"
Legal Description

Situated in the County of Allen, State of Indiana, is described as follows:

TRACT "A":

Part of the Fractional Southwest Quarter of Section 6, Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Beginning at a #5 rebar at the point of intersection of the North right-of-way line of Illinois Road and the West line of the plat of Poplar Ridge Addition, Second Section, as recorded in Plat Record 22, page 140, in the Office of the Recorder of Allen County, Indiana; thence South 89 degrees 28 minutes 23 seconds West (GPS grid bearing used as the basis of all bearings in this description), on and along said North right-of-way line, a distance of 111.09 feet to a #5 rebar at the Southeast corner of a tract of real estate described in a deed to B & B Realty LLC in Document Number 2012045729 in the Office of said Recorder; thence North 00 degrees 06 minutes 55 seconds West, on and along an East line of said B & B tract, a distance of 40.09 feet to a #5 rebar; thence North 89 degrees 57 minutes 33 seconds East, continuing on and along said East line, a distance of 11.00 feet to a #5 rebar; thence North 00 degrees 06 minutes 55 seconds West, continuing on and along said East line, a distance of 123.93 feet to a #5 rebar at the point of curvature of a tangent circular curve to the left having a radius of 150.00 feet; thence Northwesterly, on and along the Northeast line of said B & B tract, as defined by the arc of said curve, an arc distance of 237.45 feet, being subtended by a long chord having a length of 213.42 feet and a bearing of North 45 degrees 27 minutes 52 seconds West to a #5 rebar at the point of tangency; thence South 89 degrees 28 minutes 23 seconds West, on and along the North line of said B & B tract and tangent to said curve, a distance of 167.21 feet to a #5 rebar at the Northwest corner thereof; thence North 33 degrees 12 minutes 09 seconds West, on and along a West line of said B & B tract, a distance of 12.04 feet; thence South 89 degrees 16 minutes 14 seconds West, a distance of 288.77 feet to a #5 rebar at the Northeast corner of a tract of real estate described in a deed to Barnes Development Company, LLC, in Document Number 2016017428 in the Office of said Recorder; thence South 89 degrees 13 minutes 30 seconds West, on and along the North line of said Barnes tract and the North line of a 1.191 acre tract of real estate described in a deed to The Tunnel on Illinois, LLC, in Document Number 2017033099 in the Office of said Recorder, a distance of 212.78 feet to the point of curvature of a tangent circular curve to the right having a radius of 250.00 feet; thence Northwesterly, continuing on and along said North line, as defined by the arc of said curve, an arc distance of 176.90 feet, being subtended by a long chord having a length of 173.23 feet and a bearing of North 70 degrees 30 minutes 15 seconds West to a #5 rebar at the Northwest corner of said 1.191 acre tract; thence Northwesterly, continuing on and along the arc of said curve, an arc distance of 32.49 feet, being subtended by a long chord having a length of 32.46 feet and a bearing of North 46 degrees 07 minutes 29 seconds West to a point; thence North 52 degrees 52 minutes 37 seconds East, a distance of 60.39 feet to a point; thence Easterly, on and along the arc of a non-tangent circular curve to the left having a radius of 190.00 feet, an arc distance of 153.00 feet, being subtended by a long chord having a length of 148.90 feet and a bearing of South 67 degrees 39 minutes 39 seconds East to the point of tangency; thence North 89 degrees 16 minutes 14 seconds East and tangent to said curve, a distance of 391.97 feet; thence North 00 degrees 49 minutes 16 seconds West, a distance of 15.25 feet; thence North 89 degrees 28 minutes 23 seconds East, a distance of 401.30 feet to the point of curvature of a tangent circular curve to the left having

a radius of 40.00 feet; thence Northeasterly, on and along the arc of said curve, an arc distance of 29.66 feet, being subtended by a long chord having a length of 28.99 feet and a bearing of North 68 degrees 13 minutes 49 seconds East to the point of tangency; thence North 46 degrees 59 minutes 16 seconds East and tangent to said curve, a distance of 23.74 feet to the point of curvature of a tangent circular curve to the left having a radius of 80.00 feet; thence Northeasterly, on and along the arc of said curve, an arc distance of 65.77 feet, being subtended by a long chord having a length of 63.93 feet and a bearing of North 23 degrees 26 minutes 12 seconds East to the point of tangency; thence North 00 degrees 06 minutes 52 seconds West and tangent to said curve, a distance of 25.40 feet; thence North 89 degrees 53 minutes 08 seconds East, a distance of 65.00 feet to a point on the West line of said Poplar Ridge Addition, Second Section; thence South 00 degrees 06 minutes 52 seconds East, on and along said West line, a distance of 509.90 feet to the point of beginning, said in survey to contain 2.857 acres of land.

TRACT "B":

Part of the Fractional Southwest Quarter of Section 6, Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit: Commencing at a #5 rebar at the point of intersection of the North right-of-way line of Illinois Road and the West line of the plat of Poplar Ridge Addition, Second Section, as recorded in Plat Record 22, page 140, in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 06 minutes 52 seconds West (GPS grid bearing used as the basis of all bearings in this description), on and along the West line of said Poplar Ridge Addition, Second Section, a distance of 1718.43 feet to the true point of beginning; thence South 89 degrees 53 minutes 08 seconds West, a distance of 90.00 feet to the point of curvature of a tangent circular curve to the right having a radius of 70.00 feet; thence Westerly, Northerly, and Easterly, on and along the arc of said curve, an arc distance of 212.12 feet, being subtended by a long chord having a length of 139.78 feet and a bearing of North 03 degrees 18 minutes 16 seconds West to the point of reverse curvature of a tangent circular curve to the left having a radius of 20.00 feet; thence Northeasterly, on and along the arc of said curve, an arc distance of 29.19 feet, being subtended by a long chord having a length of 26.67 feet and a bearing of North 41 degrees 41 minutes 45 seconds East to the point of tangency; thence North 00 degrees 06 minutes 52 seconds West and tangent to said curve, a distance of 212.57 feet to a point on a Southeast line of a 48,000 acre tract of real estate described in a deed to Kelley Auto Real Estate, LLC, in Document Number 2017057967 in the Office of said Recorder; thence North 53 degrees 41 minutes 21 seconds East, on and along said Southeast line, a distance of 99.13 feet to the Northwest corner of said Poplar Ridge Addition, Second Section; thence South 00 degrees 06 minutes 52 seconds East, on and along the West line of said Poplar Ridge Addition, Second Section, a distance of 430.55 feet to the point of beginning, said in survey to contain 0.948 acres of land.

Grand National Drive

WARRANTY DEED
(Fee Simple Right of Way)

THIS INDENTURE WITNESSETH, That KELLEY AUTO REAL ESTATE, LLC, an Indiana limited liability company, the Grantor(s) of Allen County, State of Indiana Convey(s) and Warrant(s) to the CITY OF FORT WAYNE, INDIANA, A MUNICIPAL CORPORATION, the Grantee, for and in consideration of the sum of One Dollars (\$1.00) (of which said sum \$1.00 represents land and improvements acquired and \$0.00 represents damages) 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(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference.

This conveyance is subject to any and all easements, conditions and restrictions of record.

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and for right of way purposes, and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

The undersigned represents and warrants that he is a duly appointed representative of the Grantor; that the Grantor is a corporation validly existing in the State of its origin and, where required, in the State where the subject real estate is situated; that the Grantor has full corporate capacity to convey the real estate interest described; that pursuant to resolution of the board of directors or shareholders of the Grantor or the bylaws of the Grantor he has full authority to execute and deliver this instrument on its behalf and that said authority has not been revoked; that he is therefore, fully authorized and empowered to convey to the City of Fort Wayne, Indiana real estate of the Grantor, and that on the date of execution of said conveyance instruments he had full authority to so act; and that all necessary corporate action for the making of this conveyance has been duly taken.

The grantor(s) assume(s) and agree(s) to pay the 2023 payable 2024 real estate taxes and assessments on the above described 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.

IN WITNESS WHEREOF, the said Grantor(s) has executed this instrument this 18th day of April, 2024.

KELLEY AUTO REAL ESTATE, LLC

(Seal)

BY:

Signature

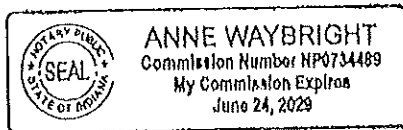
Printed Name

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

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:



Before me, a Notary Public in and for said State and County, personally appeared Thomas Kelley, the President of Kelley Auto Real Estate, LLC, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 18th day of April, 2024.

Signature Anne Waybright

Printed Name Anne Waybright

My Commission Number NP0734489

My Commission expires June 24, 2029

Resident of Whitley County.

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. Robert C. Kruger, BURT, BLEE, DIXON, SUTTON & BLOOM, LLP, 200 E. Main Street, Suite 1000, Fort Wayne, Indiana 46802; Attorney No. 22738-02.

EXHIBIT "A"

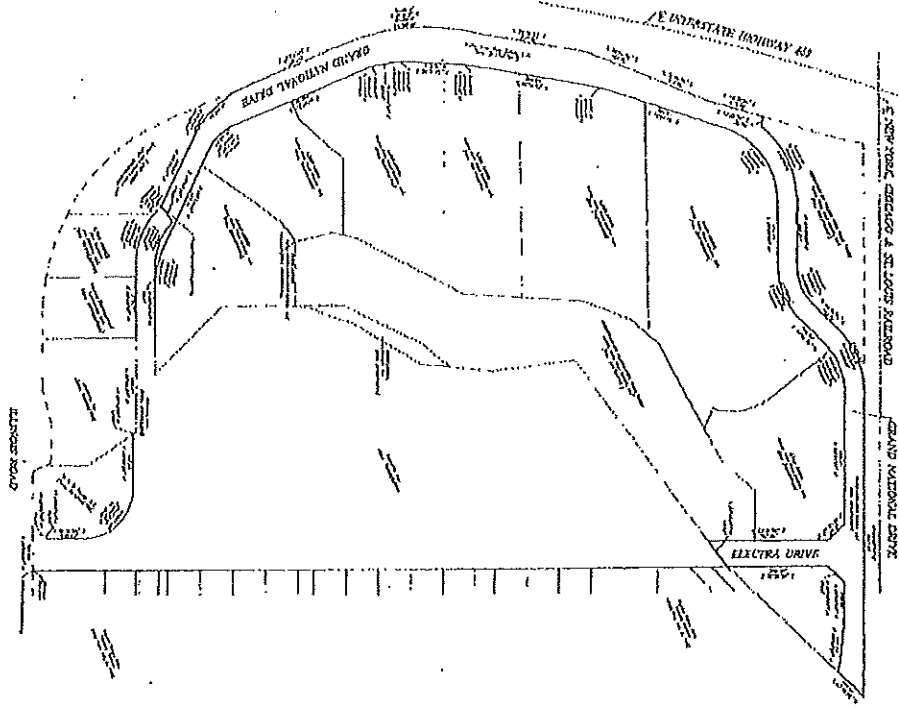
Part of the Southeast Quarter of Section 1, Township 30 North, Range 11 East, together with part of the Fractional Southwest Quarter of Section 6, Township 30 North, Range 12 East, all in Allen County, Indiana, and being more particularly described as follows, to-wit:

Commencing at a #5 rebar at the point of intersection of the North right-of-way line of Illinois Road and the West line of the plat of Poplar Ridge Addition, Second Section, as recorded in Plat Record 22, page 140, in the Office of the Recorder of Allen County, Indiana; thence South 89 degrees 28 minutes 23 seconds West (GPS grid bearing used as the basis of all bearings in this description), on and along said North right-of-way line, a distance of 111.09 feet to a #5 rebar at the Southeast corner of a tract of real estate described in a deed to B & B Realty LLC in Document Number 2012045729 in the Office of said Recorder; thence North 00 degrees 06 minutes 55 seconds West, on and along an East line of said B & B tract, a distance of 40.09 feet to a #5 rebar; thence North 89 degrees 57 minutes 33 seconds East, continuing on and along said East line, a distance of 11.00 feet to a #5 rebar; thence North 00 degrees 06 minutes 55 seconds West, continuing on and along said East line, a distance of 123.93 feet to a #5 rebar at the point of curvature of a tangent circular curve to the left having a radius of 150.00 feet; thence Northwesterly, on and along the Northeast line of said B & B tract, as defined by the arc of said curve, an arc distance of 237.45 feet, being subtended by a long chord having a length of 213.42 feet and a bearing of North 45 degrees 27 minutes 52 seconds West to a #5 rebar at the point of tangency; thence South 89 degrees 28 minutes 23 seconds West, on and along the North line of said B & B tract and tangent to said curve, a distance of 167.21 feet to a #5 rebar at the Northwest corner thereof; thence North 33 degrees 12 minutes 09 seconds West, on and along a West line of said B & B tract, a distance of 12.04 feet; thence South 89 degrees 16 minutes 14 seconds West, a distance of 288.77 feet to a #5 rebar at the Northeast corner of a tract of real estate described in a deed to Barnes Development Company, LLC, in Document Number 2016017428 in the Office of said Recorder; thence South 89 degrees 13 minutes 30 seconds West, on and along the North line of said Barnes tract and the North line of a 1.191 acre tract of real estate described in a deed to The Tunnel on Illinois, LLC, in Document Number 2017033099 in the Office of said Recorder, a distance of 212.78 feet to the point of curvature of a tangent circular curve to the right having a radius of 250.00 feet; thence Northwesterly, continuing on and along said North line, as defined by the arc of said curve, an arc distance of 176.90 feet, being subtended by a long chord having a length of 173.23 feet and a bearing of North 70 degrees 30 minutes 15 seconds West to a #5 rebar at the Northwest corner of said 1.191 acre tract, this being the true point of beginning; thence Northwesterly, continuing on and along the arc of said curve, an arc distance of 32.49 feet, being subtended by a long chord having a length of 32.46 feet and a bearing of North 46 degrees 07 minutes 29 seconds West to a point; thence North 65 degrees 14 minutes 00 seconds West, a distance of 233.53 feet to the point of curvature of a tangent circular curve to the right having a radius of 330.00 feet; thence Northwesterly, on and along the arc of said curve, an arc distance of 242.54 feet, being subtended by a long chord having

a length of 237.11 feet and a bearing of North 44 degrees 10 minutes 41 seconds West to a #5 rebar on the Easterly right-of-way line of Interstate Highway #69; thence North 23 degrees 07 minutes 23 seconds West, on and along said Easterly right-of-way line, a distance of 317.50 feet to the point of curvature of a non-tangent circular curve to the right having a radius of 666.20 feet; thence Northwesterly, on and along the Easterly right-of-way line of Interstate Highway #69, an arc distance of 395.85 feet, being subtended by a long chord having a length of 390.05 feet and a bearing of North 05 degrees 36 minutes 07 seconds West; thence North 09 degrees 56 minutes 23 seconds East, continuing on and along said Easterly right-of-way line, a distance of 377.62 feet; thence North 22 degrees 24 minutes 59 seconds East, continuing on and along said Easterly right-of-way line, a distance of 187.72 feet; thence North 22 degrees 06 minutes 56 seconds East, continuing on and along said Easterly right-of-way line, a distance of 211.88 feet; thence North 16 degrees 37 minutes 26 seconds East, continuing on and along said Easterly right-of-way line, a distance of 171.56 feet; thence South 73 degrees 22 minutes 34 seconds East, a distance of 30.00 feet; thence Northeasterly, on and along the arc of a non-tangent circular curve to the right having a radius of 309.00 feet, an arc distance of 270.39 feet, being subtended by a long chord having a length of 261.84 feet and a bearing of North 64 degrees 25 minutes 21 seconds East to the point of tangency; thence North 89 degrees 29 minutes 26 seconds East and tangent to said curve, a distance of 192.21 feet to the point of curvature of a tangent circular curve to the left having a radius of 170.00 feet; thence Northeasterly, on and along the arc of said curve, an arc distance of 133.52 feet, being subtended by a long chord having a length of 130.11 feet and a bearing of North 66 degrees 59 minutes 26 seconds East to the point of tangency; thence North 44 degrees 29 minutes 26 seconds East and tangent to said curve, a distance of 103.52 feet to the point of curvature of a tangent circular curve to the right having a radius of 280.00 feet; thence Northeasterly, on and along the arc of said curve, an arc distance of 219.91 feet, being subtended by a long chord having a length of 214.30 feet and a bearing of North 66 degrees 59 minutes 26 seconds East to the point of tangency, being a point on the South right-of-way line of the New York, Chicago & St. Louis Railroad; thence North 89 degrees 29 minutes 26 seconds East, on and along said South right-of-way line and tangent to said curve, a distance of 937.18 feet to a #5 rebar at the Northeast corner of a 48.000 acre base tract of real estate described in a deed to Kelley Auto Real Estate, LLC, in Document Number 2017057967 in the Office of said Recorder; thence South 43 degrees 19 minutes 23 seconds West, on and along the Southeast line of said 48.000 acre tract, a distance of 105.53 feet; thence North 84 degrees 58 minutes 27 seconds West, a distance of 167.18 feet; thence South 89 degrees 29 minutes 26 seconds West, a distance of 110.92 feet; thence South 44 degrees 41 minutes 17 seconds West, a distance of 70.95 feet; thence South 00 degrees 06 minutes 52 seconds East, a distance of 309.66 feet to the Northwest corner of said Poplar Ridge Addition, Second Section; thence South 53 degrees 41 minutes 21 seconds West, on and along a Southeast line of said 48.000 acre tract, a distance of 99.13 feet; thence North 00 degrees 06 minutes 52 seconds West, a distance of 367.65 feet; thence North 45 degrees 18 minutes 43 seconds West, a distance of 70.47 feet; thence South 89 degrees 29 minutes 26 seconds West, a distance of 406.77 to the point of curvature of a tangent circular curve to the left having a radius of 220.00 feet; thence Southwesterly, on and along the arc of said curve, an arc distance of 172.79 feet, being subtended by a long chord having a length of 168.38 feet and a bearing of South 66 degrees 59 minutes 26 seconds West to the point of tangency; thence South 44 degrees 29 minutes 26 seconds West and tangent to said curve, a distance of 103.52 feet to the point of curvature of a tangent circular curve to the right

having a radius of 230.00 feet; thence Southwesterly, on and along the arc of said curve, an arc distance of 180.64 feet, being subtended by a long chord having a length of 176.03 feet and a bearing of South 66 degrees 59 minutes 26 seconds West to the point of tangency; thence South 89 degrees 29 minutes 26 seconds West and tangent to said curve, a distance of 192.21 feet to the point of curvature of a tangent circular curve to the left having a radius of 249.00 feet; thence Southwesterly, on and along the arc of said curve, an arc distance of 308.93 feet, being subtended by a long chord having a length of 289.50 feet and a bearing of South 53 degrees 56 minutes 49 seconds West to the point of tangency; thence South 18 degrees 24 minutes 12 seconds West and tangent to said curve, a distance of 384.41 feet to the point of curvature of a tangent circular curve to the left having a radius of 120.00 feet; thence Southerly, on and along the arc of said curve, an arc distance of 17.73 feet, being subtended by a long chord having a length of 17.71 feet and a bearing of South 14 degrees 10 minutes 17 seconds West to the point of tangency; thence South 09 degrees 56 minutes 23 seconds West and tangent to said curve, a distance of 398.85 feet to the point of curvature of a tangent circular curve to the left having a radius of 249.00 feet; thence Southerly, on and along the arc of said curve, an arc distance of 32.56 feet, being subtended by a long chord having a length of 32.54 feet and a bearing of South 06 degrees 11 minutes 36 seconds West to the point of tangency; thence South 02 degrees 26 minutes 49 seconds West and tangent to said curve, a distance of 173.79 feet to the point of curvature of a tangent circular curve to the left having a radius of 149.00 feet; thence Southerly, on and along the arc of said curve, an arc distance of 31.27 feet, being subtended by a long chord having a length of 31.21 feet and a bearing of South 03 degrees 33 minutes 55 seconds East to the point of tangency; thence South 09 degrees 34 minutes 38 seconds East and tangent to said curve, a distance of 52.46 feet to the point of curvature of a tangent circular curve to the left having a radius of 149.00 feet; thence Southerly, on and along the arc of said curve, an arc distance of 35.23 feet, being subtended by a long chord having a length of 35.14 feet and a bearing of South 16 degrees 21 minutes 01 seconds East to the point of tangency; thence South 23 degrees 07 minutes 23 seconds East and tangent to said curve, a distance of 440.19 feet to the point of curvature of a tangent circular curve to the left having a radius of 149.00 feet; thence Southeasterly, on and along the arc of said curve, an arc distance of 109.51 feet, being subtended by a long chord having a length of 107.06 feet and a bearing of South 44 degrees 10 minutes 41 seconds East to the point of tangency; thence South 65 degrees 14 minutes 00 seconds East and tangent to said curve, a distance of 342.32 feet to the point of curvature of a tangent circular curve to the left having a radius of 275.00 feet; thence Easterly, on and along the arc of said curve, an arc distance of 122.37 feet, being subtended by a long chord having a length of 121.37 feet and a bearing of South 77 degrees 58 minutes 53 seconds East to the point of tangency; thence South 89 degrees 16 minutes 14 seconds West, a distance of 63.21 feet to the point of curvature of a tangent circular curve to the right having a radius of 190.00 feet; thence Westerly, on and along the arc of said curve, an arc distance of 153.00 feet, being subtended by a long chord having a length of 148.90 feet and a bearing of North 67 degrees 39 minutes 39 seconds West to a point; thence South 52 degrees 52 minutes 37 seconds West, a distance of 60.39 feet to the point of beginning, said in survey to contain 7.458 acres of land.

EXHIBIT "B"



THIS DOCUMENT IS A PRELIMINARY DRAFT AND IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING. THE ENGINEER HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING. THE ENGINEER HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PROJECT SINCE THE DATE OF THE LAST MEETING.



SCALE: 1" = 20'

Description and Drawing of Proposed Right-of-Ways for Grand National Drive and Electra Drive for Kelley Press Road Estate, LLC	
Prepared by: Kelley Press Road Estate, LLC 10000 Grand National Drive Suite 100 Dallas, Texas 75243 Phone: (214) 343-1234 Fax: (214) 343-1235	Date: 11/1/2007 220-007

Grand National Drive

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

THIS INDENTURE WITNESSETH, That KELLEY AUTOMOTIVE GROUP, LLC, an Indiana limited liability company, the Grantor(s) of Allen County, State of Indiana Convey(s) and Warrant(s) to the CITY OF FORT WAYNE, INDIANA, A MUNICIPAL CORPORATION, the Grantee, for and in consideration of the sum of One Dollars (\$1.00) (of which said sum \$1.00 represents land and improvements acquired and \$0.00 represents damages) 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(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference.

This conveyance is subject to any and all easements, conditions and restrictions of record.

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and for right of way purposes, and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

The undersigned represents and warrants that he is a duly appointed representative of the Grantor; that the Grantor is a corporation validly existing in the State of its origin and, where required, in the State where the subject real estate is situated; that the Grantor has full corporate capacity to convey the real estate interest described; that pursuant to resolution of the board of directors or shareholders of the Grantor or the bylaws of the Grantor he has full authority to execute and deliver this instrument on its behalf and that said authority has not been revoked; that he is therefore, fully authorized and empowered to convey to the City of Fort Wayne, Indiana real estate of the Grantor, and that on the date of execution of said conveyance instruments he had full authority to so act; and that all necessary corporate action for the making of this conveyance has been duly taken.

The grantor(s) assume(s) and agree(s) to pay the 2023 payable 2024 real estate taxes and assessments on the above described 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.

IN WITNESS WHEREOF, the said Grantor(s) has executed this instrument this 18th day of April, 2024.

KELLEY AUTOMOTIVE GROUP, LLC

(Seal)

BY:

Signature

Tom Kelley

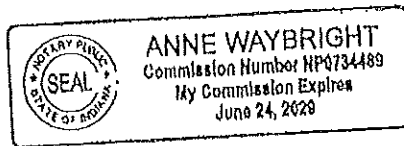
Printed Name

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

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:



Before me, a Notary Public in and for said State and County, personally appeared Thomas Kelley, the President of Kelley Automotive Group, LLC, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 18th day of April, 2024.

Signature Anne Waybright

Printed Name Anne Waybright

My Commission Number NP0734489

My Commission expires June 24, 2029

Resident of Whitley County.

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. Robert C. Kruger, BURT, BLEE, DIXON, SUTTON & BLOOM, LLP, 200 E. Main Street, Suite 1000, Fort Wayne, Indiana 46802; Attorney No. 22738-02.

EXHIBIT "A"

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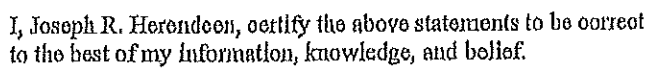
Part of the West Half of the Southeast Quarter of Section 6, Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the Southwest corner of the East Half of the West Half of the West Half of said Southeast Quarter; thence North 00 degrees 25 minutes 02 seconds West (GPS grid bearing and basis of all bearings in this description), on and along the West line of the East Half of the West Half of the West Half of the Southeast Quarter, a distance of 2580.85 feet to a #5 rebar at the Northwest corner of a 6.601 acre tract of real estate described in a deed to Kelley Imports Real Estate, LLC, in Document Number 2023011006 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 00 degrees 25 minutes 02 seconds West, continuing on and along said West line, a distance of 60.01 feet to the Northwest corner of a 16.008 acre base tract of real estate described in a deed to Kelley Automotive Group, LLC, in Document Number 2017061184 in the Office of said Recorder; thence South 89 degrees 34 minutes 10 seconds East, a distance of 116.56 feet to the point of curvature of a tangent circular curve to the right having a radius of 330.00 feet; thence Southeasterly, on and along the arc of said curve, an arc distance of 170.23 feet, being subtended by a long chord having a length of 168.34 feet and a bearing of South 74 degrees 47 minutes 31 seconds East to the point of tangency; thence South 60 degrees 00 minutes 52 seconds East and tangent to said curve, a distance of 257.34 feet to a point on the Westerly right-of-way line of Avenue of Antos, as described in Document Number 990051992 in the Office of said Recorder; thence Southerly, on and along said Westerly right-of-way line, as defined by the arc of a non-tangent circular curve to the left having a radius of 70.00 feet, an arc distance of 62.01 feet, being subtended by a long chord having a length of 60.00 feet and a bearing of South 29 degrees 59 minutes 08 seconds West to a #5 rebar at the Northeast corner of said 6.601 acre tract; thence North 60 degrees 00 minutes 52 seconds West, on and along a North line of said 6.601 acre tract, a distance of 257.34 feet to the point of curvature of a tangent circular curve to the left having a radius of 270.00 feet; thence Northwesterly, continuing on and along said North line as defined by the arc of said curve, an arc distance of 139.28 feet, being subtended by a long chord having a length of 137.74 feet and a bearing of North 74 degrees 47 minutes 31 seconds West to the point of tangency; thence North 89 degrees 34 minutes 10 seconds West, continuing on and along said North line and tangent to said curve, a distance of 115.67 feet to the point of beginning, containing 0.721 acres of land.

Sauer Land Surveying, Inc.

14033 Illinois Road, Suite C Tel: 260/469-3300
Fort Wayne, IN 46814 Fax: 469-3301

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Date: 09/27/2024



SCALE IN FEET:



0 50 100

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	111-6-4-24-1, Warranty Deeds for the Conveyance of Property to the City of Fort Wayne for Right-of-Way located along Grand National Dr & Electra Dr.
Awarded To	
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)	111-6-4-24-1, Warranty Deeds for the Conveyance of Property to the City of Fort Wayne for Right-of-Way located along Grand National Dr & Electra Dr.
Sole Source/ Compatibility Justification	N/A

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

Most Responsible, Responsive Lowest	☐ Yes ☐ 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
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DESCRIPTION OF PROJECT / NEED

<i>Identify need for project & describe project; attach supporting documents as necessary.</i>	City acquisition of properties located along Grand National Drive and Electra Drive by the City of Fort Wayne, Public Works for Right of Way purposes.

REQUEST FOR SUSPENSION OF RULES

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

FUNDING SOURCE

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