

A RESOLUTION APPROVING THE ACQUISITION OF A LIMITED ACCESS BREAK FROM, AND THE DISPOSITION OF A LIMITED ACCESS BREAK TO, INDOT FOR THE CITY OF FORT WAYNE, BY AND THROUGH ITS BOARD OF PUBLIC WORKS.

WHEREAS, the City of Fort Wayne, by and through its Board of Public Works, desires to acquire from INDOT and INDOT desires to grant to the City of Fort Wayne, by and through its Board of Public Works, a certain limited access break at the property located at 1103 E. Coliseum Blvd. in Washington Township, Fort Wayne, Indiana; and

WHEREAS, the City of Fort Wayne, by and through its Board of Public Works, desires to dispose of and INDOT desires to accept from the City of Fort Wayne, by and through its Board of Public Works a separate limited access break at the property located at 1103 E. Coliseum Blvd. in Washington Township, Fort Wayne, Indiana; and

WHEREAS, the Board of Public Works has previously approved the quitclaim deeds and legal descriptions for the limited access breaks to be exchanged as described herein, copies of which quitclaim deeds and legal descriptions being attached hereto as "Exhibit A"; and

WHEREAS, the Common Council is authorized under IC 36-1-11-8 and IC 8-23-7-17, to empower its Board of Public Works to make transfers of land located at 1103 E Coliseum Blvd on behalf of the City, including exchanges of access for ingress and egress, on behalf of the City; 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;
and

WHEREAS, the exchange of limited access breaks between the City and INDOT as described herein will occur without the payment or receipt of financial consideration by either the City or INDOT.

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

SECTION 1. The acquisition and disposition of the aforescribed limited access breaks is approved by the Common Council, and the Board of Public Works is hereby authorized to take all such actions, including the execution and delivery of the attached quitclaim deed to INDOT and the receipt of the attached quitclaim deed from INDOT, which are necessary or appropriate to effect the within described exchange of limited access breaks.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Malak Heiny, City Attorney

**QUITCLAIM DEED
For Limited Access Break
Resolution #111-10-8-24-3**

WHEREAS, the City of Fort Wayne deeded the rights of ingress and egress to the Indiana Department of Transportation on Oct 8, 2024

WHEREAS, pursuant to the provisions of Indiana Code IC 8-23-7-17, the Indiana Department of Transportation has offered the right of ingress and egress ("Limited Access Break) to the **City of Fort Wayne, by and through its Board of Public Works ("Grantee")**, as a Limited Access Break Swap, (the Grantee will grant to INDOT the permanent extinguishment rights and easements of ingress and egress at a different location) which offer has been duly accepted and this Quitclaim Deed is to effectuate the Limited Access Break; and

WHEREAS, the Indiana Department of Transportation, by Order of the Commissioner, has determined that the below-described real property will not be needed for highway purposes or purposes incidental thereto and should be opened;

THIS INDENTURE WITNESSETH, that the STATE OF INDIANA, hereby releases and quitclaims to the **Grantee**, for good and valuable consideration, the real estate situated in **Allen County**, State of Indiana, to wit:

Project: U-724 (15)
Road: SR 930
County: Allen
Code: 0106
Parcel: 2

In which real property is more fully described on "**Exhibit A**", which is attached hereto and incorporated fully herein. Also attached hereto and incorporated fully herein is the Parcel Plat as "**Exhibit B**".

Subject to all existing legal rights-of-way, easements, conditions, and restrictions of record.

The undersigned represents and warrants that they are members of the Board of Public Works of the City of Fort Wayne ("Grantee"), that pursuant to the authority granted by the Mayor and a resolution of the City Council, they have full authority to sign and execute the documents on behalf of the City and that said authority has not been revoked, and that they are therefore, fully authorized and empowered to execute said conveyance instruments.

Project: U-724 (15)
Road: SR 930
County: Allen
Code: 0106
Parcel: 2

IN WITNESS WHEREOF, undersigned has executed the foregoing Quitclaim Deed on behalf of the State of Indiana, this ____ day of _____, 202__.

STATE OF INDIANA

Joseph R. Heerens
General Counsel & Designee of
Eric Holcomb,
Governor, State of Indiana

STATE OF INDIANA)
)
COUNTY OF MARION)

Before me, a Notary in and for said County and State, personally appeared **Joseph R. Heerens**, General Counsel and Designee of Eric Holcomb, Governor of the State of Indiana and acknowledged execution of the foregoing Quitclaim Deed on behalf of the State of Indiana, this __ day of _____ 202__.

SEAL:

Notary Public (Signature)

Notary Public (Printed Name)

Commission Expires:_____

County of Residence:_____

Commissioner Number:_____

Project: U-724 (15)
Road: SR 930
County: Allen
Code: 0106
Parcel: 12

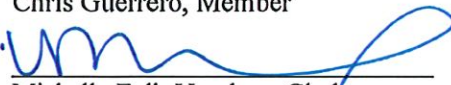
IN WITNESS WHEREOF, the following individuals executed this Quit Claim Deed on behalf of the City of Fort Wayne on this 8 day of October, 2024.

City of Fort Wayne
By and through its Board of Public Works


Shan Gunawardena, Chair


Kumar Menon, Member

ABSENT

Chris Guerrero, Member

Michelle-Fulk-Vondran, Clerk

STATE OF _____)
COUNTY OF _____)

Before me, a Notary in and for said County and State, personally appeared Shan Gunawardena, Chair, Kumar Menon, Member, ~~Chris Guerrero~~, Member, Michelle Fulk-Vondran, Clerk, on behalf of City of Fort Wayne, By and Through its Board of Public Works, and acknowledged execution of the foregoing Quitclaim Deed on this 8th day of October, 2024.

SEAL:


Notary Public (Signature)

Michelle R. Nelson
Notary Public (Printed Name)

Commission Expires:

County of

Commissioner Number

MICHELLE R NELSON
Residence: Notary Public
Allen County - State of Indiana
Commission Number NP0757310
My Commission Expires Jun 30, 2032

Project: U-724 (15)
Road: SR 930
County: Allen
Code: 0106
Parcel: 2

IN WITNESS WHEREOF, the Undersigned has executed the foregoing Quitclaim Deed on behalf of the Indiana Department of Transportation this ____ day of _____, 202__.

INDIANA DEPARTMENT OF TRANSPORTATION

W. Thomas Geibel
Director of Real Estate (for)
Michael Smith, Commissioner of the Indiana Department of Transportation

STATE OF INDIANA)
)
COUNTY OF MARION)

Before me, a Notary in and for said County and State, personally appeared **W. Thomas Geibel**, Real Estate Director for Michael Smith, Commissioner of the Indiana Department of Transportation, and acknowledged execution of the foregoing Quitclaim Deed on behalf of the State of Indiana, this __ day of _____, 202__.

SEAL:

Notary Public (Signature)

Notary Public (Printed Name)

Commission Expires: _____

County of Residence: _____

Commissioner Number: _____

Project: U-724 (15)
Road: SR 930
County: Allen
Code: 0106
Parcel: 2

**APPROVED AS TO FORM AND LEGALITY:
OFFICE OF THE INDIANA ATTORNEY GENERAL**

Signature

Date

Printed Name and Title for
Theodore E. Rokita, Attorney General

Grantees Mailing Address for Tax Statements:
**City of Fort Wayne Board of Public Works
6401 Meier Road
Mt Vernon, IN 47620**

EXHIBIT A

Situated in the north half of the northeast quarter of section 25, township 31 north, range 12 east, in Allen county, and being more particularly described as follows:

Commencing at a found 5/8" bar with "Miller Cap on the existing northerly limited access right of way line of East Coliseum Boulevard (S. R. 930), said point being 80' left of centerline Station 191+97.69 P.R. Line as shown on right of way plan U.S. 30 By-Pass Sec. U PROJECT NO. 724 (15). Dated 1963.

Thence along said existing limited access right of way, along a curve to the right, having a **Radius of 9629.30 feet**, an **Arc Length of 9.54 feet**, a **Delta Angle of 00°03'24"**, and subtended by a chord bearing South 69°59'27" East, a distance of 9.54 feet to a point 80' left of centerline Station 192+07.16 P.R. Line to the **True Point of Beginning** of the new limited access right-of-way break;

Thence continuing along said limited access right of way, along a curve to the right, having a **Radius of 9629.30 feet**, an **Arc Length of 140.61 feet**, a **Delta Angle of 00°50'12"**, and subtended by a chord bearing South 68°32'39" East, a distance of 140.61 feet to a point 80' left of centerline Station 193+46.56 P.R. Line and being the end of the new limited access right-of-way break and the **Terminus Point** of this description.



CESO, Inc.

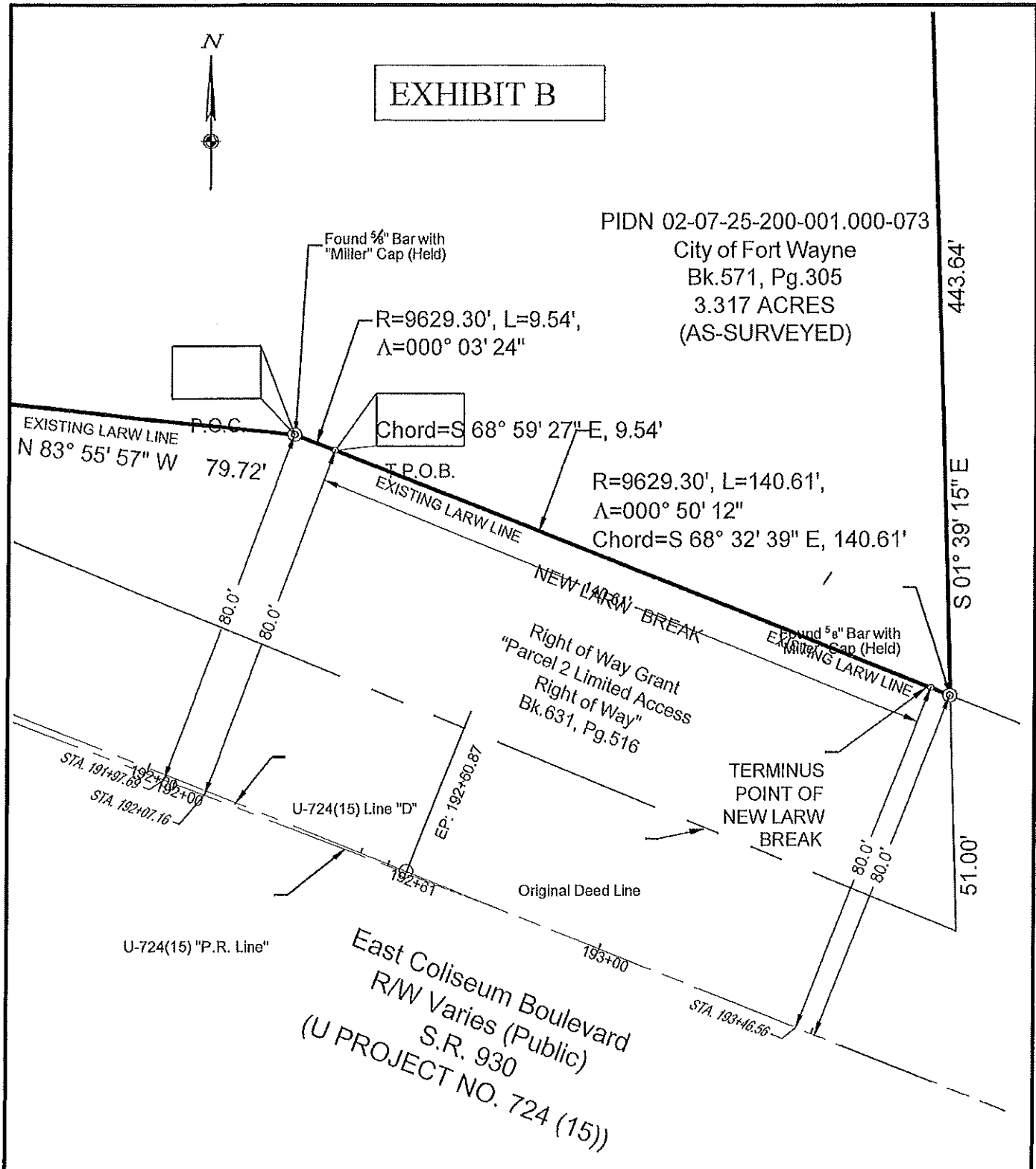
A handwritten signature in black ink, appearing to read "Robert Matko".

Robert Matko, PS
Registered Surveyor No. LS21500007

02-05-2024

Date





Drawing Title: Right of Way Exhibit B	CITY OF FORT WAYNE	
	Project Number:	763002-01
	Scale:	1" = 30'
	Drawn By:	CTT
	Checked By:	JKH/REM
Date:		2-5-2024
		City of Fort Wayne
East Coliseum Blvd. and Parnell Ave.		



Issue:

Allen County, Indiana
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QUITCLAIM DEED
LIMITATION OF ACCESS CONTROL LINE

Form WL-3
Revised 07/2024

Project:	<u>U-724 (15) SR 930</u>
Code:	<u>106</u>
Parcel:	<u>2</u>

THIS INDENTURE WITNESSETH, That the City of Fort Wayne, the Grantor(s) of Allen County, State of Indiana Quitclaims to the **STATE OF INDIANA**, the Grantee, pursuant to Indiana Code § 8-23-7-17 and for other valuable consideration, known as the Limited Access Break, the permanent extinguishment rights and easements of ingress and egress to, from and across the highway facility known as SR 930 and as Project PROJECT # U-724(15) to and from the Grantor(s) lands where they abut a certain limited access control line situated on Real Estate located in the County of Allen, State of Indiana, the said line being more particularly described in the legal description(s) attached hereto as Exhibit "A" and the Right of Way Parcel Plat attached hereto as Exhibit "B", which said exhibits are incorporated herein by reference. The limitation of access granted herein is a covenant running with the land and shall be binding on the Grantor(s) and on all successors in title to the said abutting lands.

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

Interests in land acquired by the Indiana
Department of Transportation
Grantee mailing address:
100 North Senate Avenue N758-RE
Indianapolis, Indiana 46204-2219
I.C. 8-23-7-31

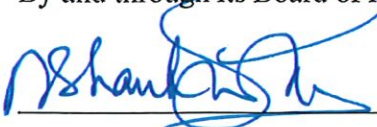
Form WL-3
Revised 07/2024

Project:	<u>U-724 (15) SR 930</u>
Code:	<u>106</u>
Parcel:	<u>2</u>

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the access rights conveyed herein are conveyed in fee simple 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 limited access control line or any right of way, roadway or roadway appurtenances established in relationship thereto. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

IN WITNESS WHEREOF, the following individuals executed this Quit Claim Deed on behalf of the City of Fort Wayne on this 8 day of October, 2024.

City of Fort Wayne
By and through its Board of Public Works



Shan Gunawardena, Chair



Kumar Menon, Member

ABSENT

Chris Guerrero, Member



Michelle-Fulk-Vondran, Clerk

STATE OF _____)
COUNTY OF _____)

Before me, a Notary in and for said County and State, personally appeared Shan Gunawardena, Chair, Kumar Menon, Member, ABSENT Chris Guerrero, Member, Michelle Fulk-Vondran, Clerk, on behalf of City of Fort Wayne, By and Through its Board of Public Works, and acknowledged execution of the foregoing Quitclaim Deed on this 8th day of OCTOBER, 2024.

SEAL:



Notary Public (Signature)

Michelle R. Nelson

Notary Public (Printed Name)

Commission Expires: _____

County of Residence State of Indiana

Commission Number NP0757310

My Commission Expires Jun 30, 2032

Commissioner Number: _____

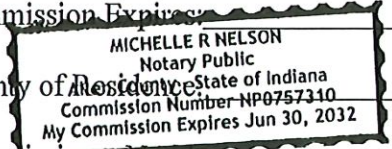


EXHIBIT A

Situated in the north half of the northeast quarter of section 25, township 31 north, range 12 east, in Allen county, and being more particularly described as follows:

Commencing at a found 5/8" bar with "Miller Cap on the northerly right of way line of East Coliseum Boulevard (S. R. 930), said point being 60' left of Station 191+21.03 P.R. Line at the easterly extents of the existing limited access right-of-way break to be relinquished;

Thence along a new limited access right of way line along a curve to the right, having a **Radius of 9609.30 feet, an Arc Length of 61.57 feet, a Delta Angle of 00°22'02"**, and subtended by a chord bearing North 69°30'40" West, a distance of 61.57 feet to a found 5/8" bar with "Miller Cap, being 60' left of centerline Station 190+59.85 P.R. Line as shown on right of way plan U.S. 30 By-Pass Sec. U PROJECT NO. 724 (15). Dated 1963 and being the end of the limited access right-of-way break closure;

Thence continuing along a new limited access right of way line, **North 39°46'27" West, a distance of 205.64 feet** to a point (referenced by a found 5/8" bar with Miller Cap lying 0.20' east) and being the end of the new limited access right-of-way line and the **Terminus Point** of this description



CESO, Inc.

A handwritten signature in black ink, appearing to read "R. E. Matko".

Robert Matko, PS
Registered Surveyor No. LS21500007

02-05-2024

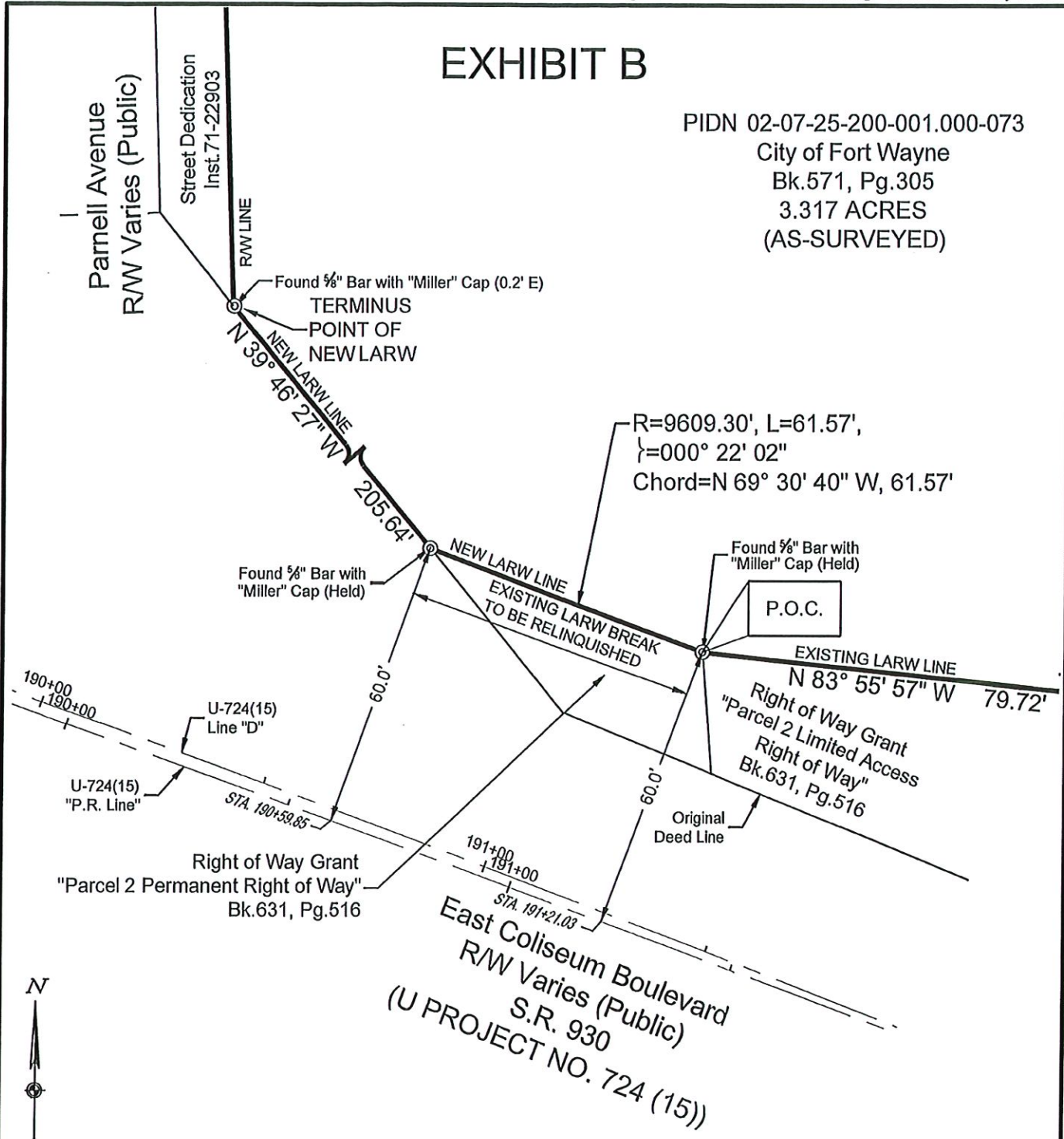
Date

PAGE 1 OF 2



EXHIBIT B

PIDN 02-07-25-200-001.000-073
City of Fort Wayne
Bk.571, Pg.305
3.317 ACRES
(AS-SURVEYED)



Drawing Title:

Right of Way
Exhibit A

PAGE 2 OF 2

CITY OF FORT WAYNE

Project Number: 763002-01

Scale: 1" = 30'

Drawn By: CTT

Checked By: JKH

Date: 2-5-2024

Issue:

**East Coliseum Blvd.
and Parnell Ave.**

City of Fort Wayne
Allen County, Indiana
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COUNCIL DIGEST SHEET

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

RFPs, BIDS, OTHER PROJECTS

Bid/RFP#/Name of Project	Agreement between City of Fort Wayne, Indiana, Board of Public Works and Indiana Department of Transportation for Limited Access Break swap on property located at 1103 E Coliseum Blvd in Washington Township, Allen County, Indiana
Awarded To	INDOT
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)	Agreement between City of Fort Wayne, Indiana, Board of Public Works and Indiana Department of Transportation for Limited Access Break swap on property located at 1103 E Coliseum Blvd in Washington Township, Allen County, Indiana
Sole Source/ Compatibility Justification	N/A

BID CRITERIA (Take Buy Indiana requirements into consideration.)

Most Responsible, Responsive Lowest	No If no, explain below
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 & describe project; attach supporting documents as necessary.</i>	City exchanging limited access breaks with INDOT

REQUEST FOR PRIOR APPROVAL

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

FUNDING SOURCE

<i>Account Information.</i>	



CITY OF FORT WAYNE

SHARON TUCKER, MAYOR

October 17, 2024

City Council Members
City of Fort Wayne

RE: City of Fort Wayne, Indiana, Board of Public Works/Indiana Department of Transportation Limited Access Break Swap, 1103 E Coliseum Blvd

Dear Council Members:

The City has entered into an agreement to exchange Limited Access Breaks on the City property at 1103 E Coliseum Blvd in Washington Township, Allen County, Indiana. Copies of the quitclaim deeds are attached.

The City of Fort Wayne Board of Public Works has approved this exchange.

We are asking for Council to approve this exchange.

If you have any questions on the above, please feel free to contact me at 427-2317.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Carmichael".

Christopher Carmichael
Property Manager

ENHANCED QUALITY OF LIFE FOR ALL

CITIZENS SQUARE

200 E. Berry St. • Fort Wayne, Indiana • 46802 • cityoffortwayne.org

An Equal Opportunity Employer