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2 **BILL NO. R-14-06-50**

3 **RESOLUTION NO. R-77-14**

4 **A RESOLUTION APPROVING THE**
5 **PURCHASE OF CERTAIN REAL**
6 **ESTATE (804 PEMBERTON DRIVE)**
7 **FOR THE CITY OF FORT WAYNE,**
8 **DIVISION OF CITY UTILITIES.**

9 **WHEREAS**, the City of Fort Wayne, through its Division of Public
10 Works, desires to purchase property located at 804 Pemberton Drive,
11 specifically described in the Resolution Number 101-5-28-14-2 of The Fort
12 Wayne, Indiana Board of Public Works Exhibit "A," attached hereto and made a
13 part hereof; and

14 **WHEREAS**, the City of Fort Wayne, through its Division of Public
15 Works, desires to purchase this property for the future work on the west side of
16 the Polishing Ponds and the Wet Weather Pump Station located at the Water
17 Pollution Control Plant; and

18 **WHEREAS**, the purchase price for the property is SIXTY
19 THOUSAND, FIVE HUNDRED AND 00/100 DOLLARS – (\$60,500.00).

20 **WHEREAS**, Sec. 37-19 of the City of Fort Wayne Code of
21 Ordinances, requires the Common Council approval of any purchase of real
22 estate by the City.

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

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SECTION 1. The purchase of real estate by the City of Fort Wayne through its Division of Public Works, located at 804 Pemberton Drive is hereby approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said purchase.

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



Carol Helton, City Attorney

Interoffice Memo

Date: June 18, 2014
To: Common Council Members
From: DeWayne Nodine, Program Manager – Capital Project Services – Telephone: 427-1330
RE: Purchase of 804 Pemberton Dr., Fort Wayne, Indiana 46805

Council Introduction Date: June 24, 2014—Council District # 1:

Background & supporting information:

City Utilities would like to purchase 804 Pemberton Dr. for future work on the water pollution control facilities located on the north side of the Maumee River. In addition, this purchase will give City Utilities another access route to these important facilities, and construction/staging access for the Morton Street Force Main.

The purchase price is \$60,500.00, which is the average value of the two appraisals obtained. A map is attached to this memo highlighting this property and also the property at 707 N. Coliseum Blvd., also under consideration, but as a separate resolution.

Implications of not being approved:

Work on the projects stated above will be hindered, possibly resulting in higher costs to City Utilities. Furthermore, if the property is not purchased, at this time, it will most likely cost more to purchase at a later date as the real estate market returns to its natural rate of increasing real estate values.

Justification if prior approval is being requested: Not applicable

Funding source: 2010 Sewer Revenue Bond

Attachments:

- Map: Indicates the locations of both 707 N. Coliseum Blvd. (Bill No. R-14-06-49), and 804 Pemberton Dr. (Bill No. R-14-06-50)
- Resolution for purchase approved by Board of Public Works on May 28, 2014

CC: Matthew Wirtz
Dan Brenner
Diane Brown
Project file

**A RESOLUTION OF THE FORT WAYNE, INDIANA, BOARD OF PUBLIC WORKS
APPROVING THE PURCHASE OF 804 PEMBERTON DRIVE,
FORT WAYNE, INDIANA, 46805**

RESOLUTION NUMBER 101-5-28-14-2

WHEREAS, the City of Fort Wayne (the "City") has an ongoing program of purchasing properties critical to its Capital Improvement Program; and

WHEREAS, the City has need for the property located at 804 Pemberton Drive for the future construction of the Morton Street Force Main, future work on the west side of the Polishing Ponds and the Wet Weather Pump Station located at the Water Pollution Control Plant, flood fighting access to a box culvert, and access to landlocked City-owned land; and

WHEREAS, the City wishes to purchase from Marat Kurbanov and Robin Kurbanov the property commonly known as 804 Pemberton Drive, Fort Wayne, Indiana, 46805, also known as Lot 195 and the South Half of Lot 196 in South Kensington Park Addition to the City of Fort Wayne according to the plat thereof recorded in Plat Record 9, pages 54-55 of the Records in the Office of the Recorder of Allen County, Indiana (the "Real Estate"); and

WHEREAS, Marat Kurbanov and Robin Kurbanov wish to sell the Real Estate to the City; and

WHEREAS, the agreed purchase price is Sixty Thousand Five Hundred and No/100 Dollars (\$60,500.00), which is the average of two appraisals as mandated by Indiana statute.

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

SECTION 1. The purchase of the Real Estate by the City of Fort Wayne, Indiana, for the price of Sixty Thousand Five Hundred and No/100 Dollars (\$60,500.00) is hereby approved.

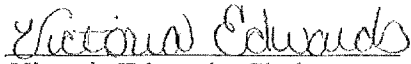
APPROVED THIS 28th DAY OF May, 2014.

BOARD OF PUBLIC WORKS

BY: 
Robert P. Kennedy, Chairman

BY: 
Kumar Menon, Member

BY: 
Mike Avila, Member

ATTEST: 
Victoria Edwards, Clerk

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Geoff Paddock

Read the second time by title and referred to the City Utilities Committee

Committee. Read the third time in full and on motion by Councilman John Shoaff, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>
BENDER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
CRAWFORD	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
DIDIER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HARPER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
HINES	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
JEHL	<u> </u>	<u> </u>	<u> </u>	<u> </u>
PADDOCK	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SHOAFF	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
SMITH	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 7-14 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE
(RESOLUTION) NO. R-77-14 on the 8th day of
July, 2014

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY,
CITY CLERK

Marshall A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day
of July, 2014, at the hour of 5:00 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 10th day of July
2014, at the hour of 9:00 o'clock AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. S-14-06-50

REPORT OF COMMITTEE ON CITY UTILITIES

JULY 1, 2014

*John Shoaff, Chair
Geoff Paddock, Co, Chair
All Council Members*

A RESOLUTION approving the purchase of certain Real Estate (804 Pemberton Drive) for the City of Fort Wayne, Division of City Utilities. **COMMITTEE ON CITY UTILITIES HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Signature]

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**SANDRA E. KENNEDY
CITY CLERK**