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2 **BILL NO. R-14-06-52**

3 **RESOLUTION NO. R-52-14**

4 **A RESOLUTION APPROVING THE SALE OF**
5 **CERTAIN REAL ESTATE LOCATED AT 5220**
6 **VALUE DRIVE, FORT WAYNE, INDIANA FOR**
7 **THE CITY OF FORT WAYNE, BY AND**
8 **THROUGH THE DIVISION OF PUBLIC**
9 **WORKS.**

10 **WHEREAS**, the City of Fort Wayne, through its Division of Public
11 Works, desires to sell 1.105 acres of property located at 5220 VALUE DRIVE,
12 Fort Wayne, Indiana, specifically described in Exhibit "A," attached hereto and
13 made a part hereof; and

14 **WHEREAS**, the City of Fort Wayne, through its Division of Public
15 Works, desires to sell this property as it has no current or future need for said
16 property; and

17 **WHEREAS**, the purchase price for the property is FORTY
18 THOUSAND AND 00/100 DOLLARS – (\$40,000.00); and

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

21 **SECTION 1.** The sale of real estate by the City of Fort Wayne
22 through its Division of Public Works, 1.105 acres of property located 5220
23 VALUE DRIVE, Fort Wayne, Indiana, specifically described in Exhibit "A," is
24 hereby approved and agreed to. The appropriate officials of the City are hereby
25 authorized to execute all documents necessary to accomplish said sale.
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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 19, 2014
To: Common Council Members
From: DeWayne Nodine, Program Manager -- Capital Project Services

RE: Sale of 1.105 acres of land-Dealership Real Estate Holdings, LLC (Kelley Chevrolet), 5220 Value Drive, Fort Wayne, Indiana

Council Introduction Date: June 24, 2014—Council District #: 3

Background & supporting information:

In 2006, City Utilities purchased a parcel of land in the southwest corner of I-69 and Lima Road to construct a storm water management facility. The storm water project was completed and most of the land not needed for the storm water project was sold for the respective sites of the new Kelley Chevrolet automobile dealership and the Costco store. However, a remaining strip of ground containing 1.105 acres, located next to I-69 and immediately to the west of the automobile dealership, is ground that is useful to Kelley Chevrolet.

Implications of not being approved: If not approved, the property will not ever be developed and will not make contributions to the property tax base. Further, City Utilities will own a parcel of land for which it lacks a purpose.

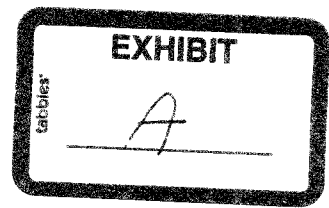
Justification if prior approval is being requested: Not applicable

Funding source: Not applicable

Attachments:

- Resolution authorizing and recommending the sale approved after a public hearing by the Board of Public Works on June 4, 2014;
- Map.

CC: Matthew Wirtz
Justin Brugger
Dan Brenner
Diane Brown
Project file



**A RESOLUTION OF THE BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE, INDIANA,
AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY**

RESOLUTION NUMBER 101-6-4-14-1

WHEREAS, the City of Fort Wayne Board of Public Works (the "Board") owns certain real property (the "Parcel"), the legal description to which is attached hereto as Exhibit "A" and made a part of this Resolution by this reference; and

WHEREAS, Dealership Real Estate Holdings, LLC ("DREH") wishes to purchase the Parcel from the Board; and

WHEREAS, Indiana Code Title 36, Article 1, Chapter 11, Section 3(b)(2) [IC 36-1-11-3(b)(2)] requires the Board to conduct a public hearing regarding the sale of the Parcel and to give the Board's recommendation of whether or not the sale of the Parcel should proceed to the Mayor of the City of Fort Wayne, Indiana; and

WHEREAS, public notice of today's hearing was given on May 23, 2014, being at least ten (10) days prior to the hearing date in accordance with Indiana Code Title 5, Article 3, Chapter 1, Section 2(b) [IC 5-3-1-2(b)], which said notice gave the date, time, location and subject matter of the hearing.


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


1. After holding a public hearing during which the Board requested to hear from citizens wishing to speak about the proposed sale of the Parcel as described in the aforesaid Exhibit "A," the Board hereby recommends to the Mayor of the City of Fort Wayne, Indiana, that the sale of the Parcel to Dealership Real Estate Holdings, LLC, should proceed, and at the agreed upon purchase price of \$40,000; and
2. That the Board hereby authorizes DeWayne Nodine, Program Manager, Capital Project Services with Fort Wayne City Utilities Engineering to sign, in the name of and on behalf of the Board, any deed associated with the sale of the Parcel in the event that the sale of the Parcel is approved by both the Common Council, and the Mayor of the City of Fort Wayne, Indiana.

This resolution shall be in full force and effect from and after its adoption by the Board of Public Works of the City of Fort Wayne, Indiana.

APPROVED this 4th day of June, 2014.

BOARD OF PUBLIC WORKS

By: 
Robert Kennedy, Chair

By: 
Kumar Menon, Member

By: 
Mike Avila, Member


Attest: 
Victoria Edwards, Clerk

EXHIBIT "A"

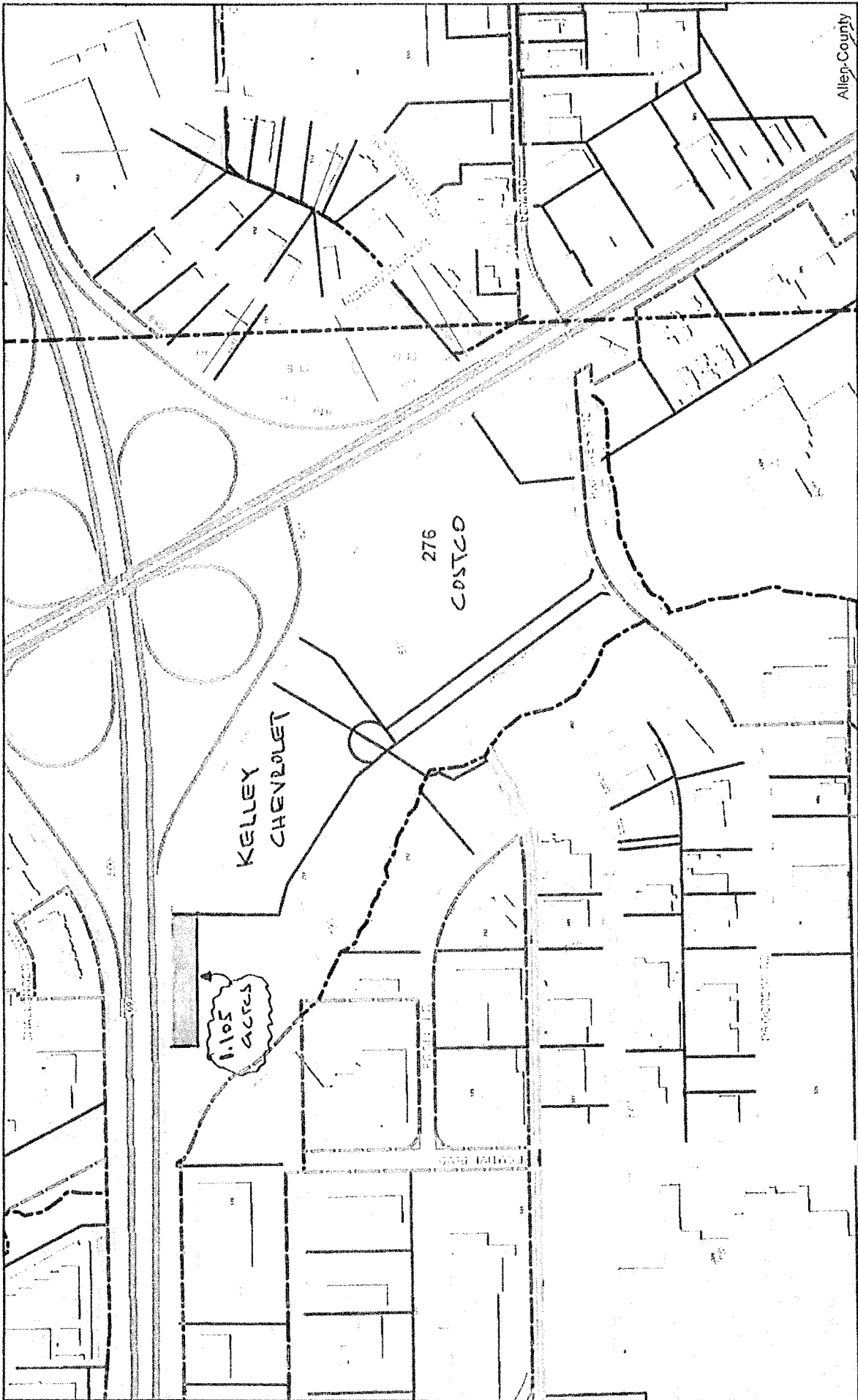
A part of Section 22, Township 31 North, Range 12 East, in Allen County, Indiana, and being a part of the parcel described in Document #206062980 in the Allen County Recorder's Office, described as:

Commence at an iron pin found at the Northeast corner of the Plat of Interstate Industrial Park, Section "D" as recorded in Plat Book 30A, Page 1, in the Office of the Recorder of said Allen County, thence South 87 degrees 15 minutes West (North 90 degrees 00 minutes West plat) along the North line of said Section "D", a distance of 52.9 feet to the Easternmost corner of Interstate Industrial Park, Section "I" as recorded in Plat Book 32, page 146, as situated in the centerline of the Spy Run Creek; thence Northwesterly along the Easterly lines of said Section "I" and the centerline of the Spy Run Creek as follows:

thence North 50 degrees 03 minutes West, a distance of 162.7 feet; thence North 43 degrees 21 minutes West, a distance of 93.1 feet; thence North 32 degrees 05 minutes West, a distance of 91.7 feet; thence North 51 degrees 49 minutes West, a distance of 89.7 feet; thence North 62 degrees 13 minutes West, a distance of 103.1 feet; thence North 69 degrees 51 minutes West, a distance of 123.9 feet; thence North 60 degrees 15 minutes West, a distance of 33.3 feet to the North line of the South One-half of the Northwest Quarter of said Section 22, being also the Northeast corner of said Section "I" and the Southeast corner of a 0.560 acre tract of land as recorded in Document #72-7276 of the Allen County Recorder's Office; thence continuing Northwesterly along the centerline of said Spy Run Creek, North 38 degrees 01 minute West, a distance of 42.7 feet to the South 125 foot limited access right-of-way line of said Interstate Highway No. 69; thence North 87 degrees 15 minutes 18 seconds East, on said right-of-way line a distance of 413.07 feet and being the Point of Beginning; thence continue North 87 degrees 15 minutes 18 seconds East, on said right-of-way line a distance of 400.00 feet to an iron pin found at Plan Station 508+00 of Indiana State Highway Commission Plans dated 1958, Project Number I-69-4(3)109; thence North 85 degrees 59 minutes 01 second East on the said right-of-way a distance of 122.06 to the northwest corner of the Dealership Holdings, LLC parcel described in Document #2013-010371 of the Allen County Recorder's Office; thence South 1 degree 00 minutes 11 seconds East a distance of 96.66 feet on the west line of the said parcel; thence South 87 degrees 15 minutes 18 seconds West a distance of 500.00 feet; thence North 14 degrees 14 minutes 29 seconds West a distance of 95.83 feet to the Point of Beginning, containing 1.105 acres, more or less.



Proposed Real Estate Sale: Dealership Real Estate Holdings, LLC



Allen County



Date: 6/12/2014 1" = 500'

Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the correctness of the measurements, bearings and distances shown and all liability, responsibility, from any error or omission in this map, © 2004, Board of Commissioners of the County of Allen, State Plane Coordinate System, Indiana, East

Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Tom Smith

Read the second time by title and referred to the Public Works Committee

Committee. Read the third time in full and on motion by Councilman

Glynis Hines, 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>1</u>
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	_____	_____	_____	<u>✓</u>
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAFF	<u>✓</u>	_____	_____	_____
SMITH	<u>✓</u>	_____	_____	_____

DATED: 7-8-14 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-53-14 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 PM, 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. R-14-06-52

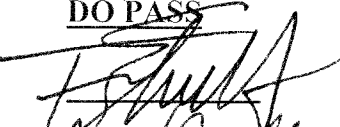



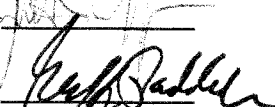


REPORT OF COMMITTEE ON PUBLIC WORKS

JULY 1, 2014

*Glynn Hines, Chair
Tom Smith, Co-Chair
All Council Members*

A RESOLUTION approving the sale of Certain Real Estate located at 5220 Value Drive, Foprt Wayne, by and through the Division of Public Works.

COMMITTEE ON PUBLIC WORKS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
	_____	_____	_____
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**SANDRA E. KENNEDY
CITY CLERK**