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BILL NO. R-16-04-16

RESOLUTION NO. 24-16

A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL ESTATE (502 GLASGOW AVENUE, FORT WAYNE, INDIANA 46802) AND OTHER SALE ITEMS FOR THE CITY OF FORT WAYNE, INDIANA.

WHEREAS, the City of Fort Wayne desires to purchase property located at 502 GLASGOW AVENUE, FORT WAYNE, INDIANA 46802, AND OTHER SALE ITMES specifically described in "Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the purchase of this property and other sale items is necessary for the construction of the Three Rivers Protection and Overflow Reduction Tunnel (3RPORT); and

WHEREAS, the purchase price for this property and other sale items is ONE HUNDRED EIGHT-NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS – (\$189,500.00); and

WHEREAS, Sec. 37-25 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any purchase or conveyance 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 purchase of property and other sale items

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located at 502 Glasgow Avenue, Fort Wayne, Indiana 46802, by the City of Fort Wayne, is hereby approved and agreed to.

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

Straub Bros., Inc.

EXHIBIT
tabbles
A

Parcels



**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA,
BOARD OF PUBLIC WORKS
APPROVING THE PURCHASE OF
502 GLASGOW AVENUE,
FORT WAYNE, INDIANA, 46802**

RESOLUTION NUMBER 103-3-23-16-1

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 502 Glasgow Avenue for the future construction of improvements in support of the Three Rivers Protection and Overflow Reduction Tunnel (3RPORT) Project; and

WHEREAS, the City wishes to purchase from Straub Bros., Inc., the Real Estate commonly known as 502 Glasgow Avenue, Fort Wayne, Indiana, 46802, and more particularly described in Exhibit "I" attached hereto; and

WHEREAS, the owners of Straub Bros., Inc., have voluntarily elected to sell the Real Estate to the City; and

WHEREAS, the agreed purchase price for the Real Estate is Ninety Eight Thousand and No/100 Dollars (\$98,000.00), which is the average of two appraisals as mandated by Indiana statute; and

WHEREAS, the agreed purchase price for certain equipment (Other Sale Items) considered as integral to the real estate is Fifty-Two Thousand and No/100 Dollars (\$52,000.00), and

WHEREAS, the agreed purchase price for the inventory of granite (Other Sale Items) is Thirty-Nine Thousand Five Hundred and No/100 Dollars (\$39,500.00).

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 and Other Sale Items by the City of Fort Wayne, Indiana, for the total price of One Hundred Eighty-Nine Thousand Five Hundred and No/100 Dollars (\$189,500.00) is hereby approved.

(Remainder of the page intentionally left blank—signature page to follow.)

APPROVED this 23 day March, 2016.

BOARD OF PUBLIC WORKS

BY: *Robert P. Kennedy*
Robert P. Kennedy, Chairman

BY: *Kumar Menon*
Kumar Menon, Member

BY: *Mike Avila*
Mike Avila, Member

ATTEST: *Lyndsey Richards*
Lyndsey Richards, Clerk

Prepared by: DeWayne J. Nodine, City of Fort Wayne, Program Manager, Capital Project Services

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State personally appeared Robert P. Kennedy, Kumar Menon, and Mike Avila, as Members of the Board of Public Works of the City of Fort Wayne, and Lyndsey Richards, Clerk of the Board of Works, and acknowledged the execution of the foregoing contract as and for their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 23rd day of March, 2016.

Michelle Nelson
Notary Public

Resident of Allen County

Michelle Nelson
Printed Name of Notary

My Commission Expires:

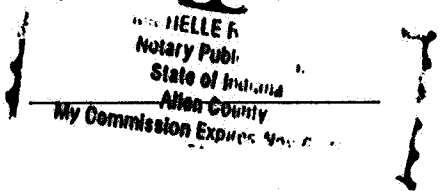


EXHIBIT "1"
per
Document No. 91-032224 (latest deed of record)

All that part of the South Fractional Half of Section 6, in Township 30 North, Range 13 East, bounded and described as follows, to-wit:

Commencing at a point where the East line of Sand Street in the City of Fort Wayne intersects the South bank of the Maumee River; thence East along the South bank of the Maumee River to the West line of Glasgow Avenue in said city; thence Southwesterly along the West line of said Glasgow Avenue to the North line of the alley, running East and West immediately North of Lots No. 172 and 242 in J. B. WHITE'S FOURTH ADDITION to the City of Fort Wayne; thence West along the North line of said alley to the East line of said Sand Street; thence Northeasterly along the East line of said Sand Street to the place of beginning. (Deed Record 468, page 420)

ALSO

Lots No. 172 and 242, TOGETHER with the 30 foot vacated alley or street lying North thereof and One-Half the vacated 14 foot alley lying Westerly of Lot 172 and Easterly of Lot 242.

ALSO

The North 2 feet of Lot No. 171 and One-Half the vacated 14 foot alley lying Westerly thereof; ALL in WHITE'S FOURTH ADDITION to the City of Fort Wayne and recorded in Deed Record 60, page 476.

Parcel No.: 02-13-06-327-001.000-074

Interoffice Memo

Date: April 6, 2016
To: Common Council Members
From: DeWayne Nodine, Program Manager – Capital Project Services – Telephone: 427-1330
RE: Purchase of 502 Glasgow Avenue, Fort Wayne, Indiana 46802

Council Introduction Date: April 12, 2016—Council District #: 5

Background & supporting information:

City Utilities seeks to purchase 502 Glasgow Avenue in support of the Three Rivers Protection and Overflow Reduction Tunnel (3RPORT). The owners have voluntarily agreed to sell this property to the City for the total purchase price of \$189,500.00.

This property is critical for construction of a large connector pipe from the tunnel to the Wet Weather Pump Station which is located on the north side of the river. In addition, this property will allow additional staging area for use by contractors during construction of the tunnel project.

A map is attached to this memo highlighting this property along with a copy of the Resolution approved by the Board of Public Works on March 23, 2016.

Implications of not being approved:

This project is contained in the City's Long Term Control Plan and will reduce the amount of untreated overflows reaching the rivers. Therefore, if this project is not constructed, the City may be in violation of the Consent Decree.

Justification if prior approval is being requested: Not applicable

Funding source: Sewer Revenue

Attachments:

- Map
- Resolution

CC: Matthew Wirtz
Dan Brenner
Diane Brown
Project file

REPORT OF COMMITTEE ON FINANCE

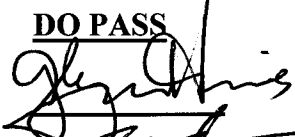


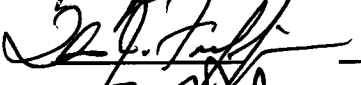
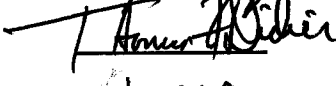
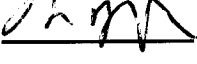
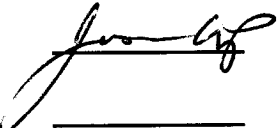
April 19, 2016

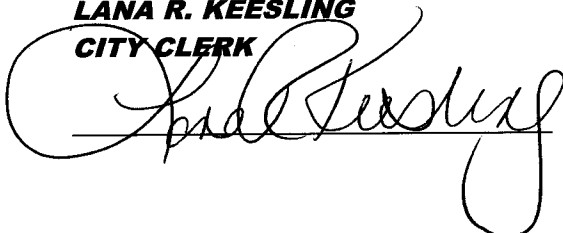
*Glynn Hines, Chair
John Crawford, Co-Chair
All Council Members*

A RESOLUTION approving the purchase of certain real estate (502 Glasgow Avenue, Fort Wayne, Indiana 46802) and other sale items for the City of Fort Wayne, Indiana

Purchase price is \$189,5000.00

COMMITTEE ON FINANCE 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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**LANA R. KEESLING
CITY CLERK**


Public Hearing Date, if applicable.

Read the first time in full and on motion by Councilman Hines.

Read the second time by title and referred to the Finance Committee.

Read the third time in full and on motion by Councilman Hines, placed on passage by the following vote:

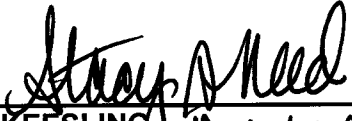
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: April 26, 2016



 OFFICE OF THE CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
Resolution
 Appropriation No. R-16-04-16 on the 26th day of April, 2016

ATTEST: 

 LANA R. KEESLING
 CITY CLERK
Deputy Clerk



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th
 of April 2016, at the hour of 9:30 o'clock A.M. E.S.T.

Approved and signed by me this 27TH day of APRIL
 2016, at the hour of 5:00 O'clock Pm E.S.T. *SAR*



 THOMAS C. HENRY, MAYOR