

1 **BILL NO. R-16-06-22**

2 **RESOLUTION NO. R-38-16**

3
4 **A RESOLUTION APPROVING THE**
5 **PURCHASE OF CERTAIN REAL**
6 **ESTATE (5316 Kenton Lane -**
7 **\$115,000.00) FOR THE CITY OF**
8 **FORT WAYNE, INDIANA.**

9 **WHEREAS**, the City of Fort Wayne desires to purchase property
10 located at 5316 Kenton Lane, specifically described in Resolution of the City of
11 Fort Wayne, Indiana, Board of Public Works Number 103-5-25-16-1 marked as
12 Exhibit "A," attached hereto and made a part hereof; and

13 **WHEREAS**, the purchase of this property is necessary for the City
14 Utilities flood mitigation plan for the Lawrence Drain.

15 **WHEREAS**, the purchase price for this property is ONE
16 HUNDRED FIFTEEN THOUSAND AND 00/100 DOLLARS – (\$115,000.00).

17 **WHEREAS**, Sec. 37-25 of the City of Fort Wayne Code of Ordinances,
18 requires the Common Council approval of any purchase or conveyance of real
19 estate by the City.

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

22 **SECTION 1.** The purchase of property located at 5316 Kenton
23 Lane, by the City of Fort Wayne, is hereby approved and agreed to.
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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 9, 2016
To: Common Council Members
From: DeWayne Nodine, Program Manager – Capital Project Services – Telephone: 427-1330
RE: **Purchase of 5316 Kenton Lane, Fort Wayne, Indiana 46804**

Council Introduction Date: June 14, 2016—Council District #:4

Background & supporting information:

To prepare for projects to combat flooding along the Lawrence Drain, City Utilities began to purchase and demolish certain houses in the Westmoor Extended Addition in 2008. City Utilities would now like to purchase 5316 Kenton Lane for this purpose. The purchase price is \$115,000.00, which is lower than both appraisals and was arrived at through negotiation with the property owner.

City Utilities has previously purchased 17 of the 18 properties located in a floodplain to the west of Melbourne Court and to the north of Kenton Lane. A map is attached to this memo highlighting the properties purchased along with the current one under consideration, and a copy of the Resolution approved by the Board of Public Works on May 25, 2016.

Implications of not being approved:

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 continues its return to its natural rate of increasing values. In addition there is not adequate space available to widen the drain if this last house remains.

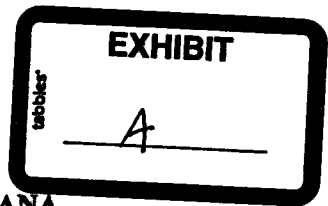
Justification if prior approval is being requested: Not applicable

Funding source: Storm Revenue

Attachments:

- Map
- Resolution

CC: Matthew Wirtz
Dan Brenner
Diane Brown
Project file



**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA,
BOARD OF PUBLIC WORKS
APPROVING THE PURCHASE OF 5316 KENTON LANE,
FORT WAYNE, INDIANA, 46804**

RESOLUTION NUMBER 103-5-25-16-1

WHEREAS, the City of Fort Wayne (the "City") desires to acquire the last property to complete an ongoing program of real estate purchases in the Westmoor Extended Addition, immediately adjacent to the east side of the Lawrence Drain (the "Drain"), for the purposes of demolishing the houses to maintain a clear floodway, and for future projects in this area ; and

WHEREAS, successfully maintaining the floodway along with the Drain, and having ownership of the needed properties for future projects is in the best interests of the public health, safety, and welfare; and

WHEREAS, the City wishes to purchase from Smith Family Trust the property commonly known as 5316 Kenton Lane, Fort Wayne, Indiana, 46804, also known as The East 36 Feet of Lot 26 and the West 63 Feet of Lot 27 in Westmoor Extended Addition to the City of Fort Wayne, as recorded in Plat Record 22, Pages 156-158 (the "Real Estate"); and

WHEREAS, Smith Family Trust wishes to voluntarily sell the Real Estate to the City; and

WHEREAS, the agreed purchase price is One Hundred-Fifteen Thousand and No/100 Dollars (\$115,000.00), which is less than the average of the two appraisals, as allowed 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 One Hundred-Fifteen Thousand and No/100 Dollars (\$115,000.00) is hereby approved.

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

APPROVED this 25th day of May, 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: *Lindsey Richards*
Lindsey 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 Lindsey 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 25th day of May, 2016.



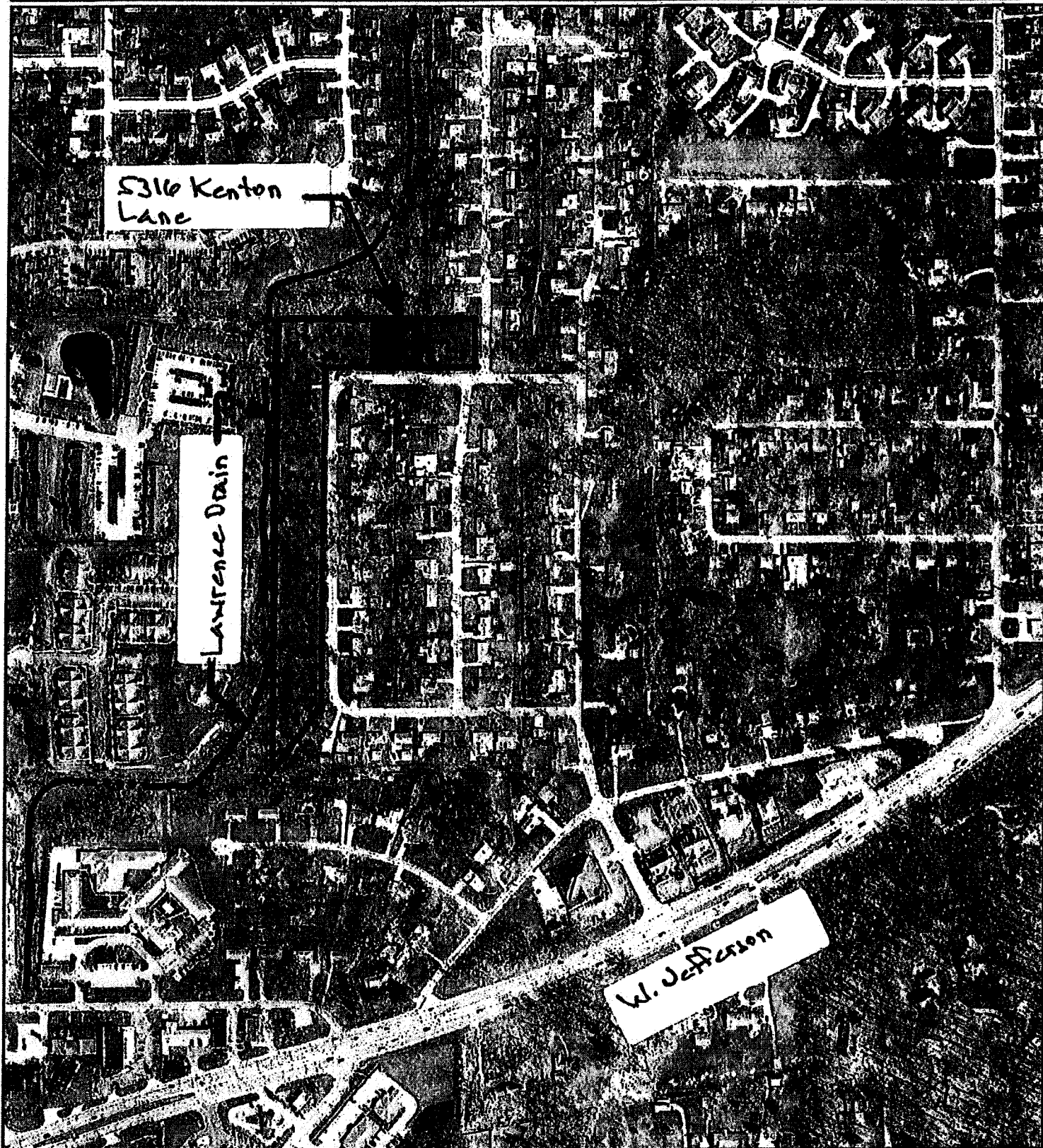
Michelle Nelson
Notary Public

Resident of *Allen* County

Michelle Nelson
Printed Name of Notary



Purchase of 5316 Kenton Lane



Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East



5316 Kenton Lane



Acquired Previously



Date: 5/25/2016

1" = 375'

Public Hearing Date, if applicable

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

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

Read the third time in full and on motion by Councilman Paddock, 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"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input 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: June 28, 2016



 LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
 Resolution No. R-16-06-22 on the 28th day of June, 2016

ATTEST:



 LANA R. KEESLING
 CITY CLERK



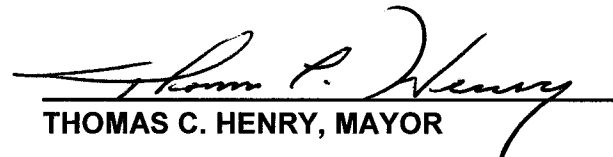
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th
 of June 2016, at the hour of 11:30 o'clock P.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 29th day of June
 2016, at the hour of 2:00 O'clock Pm . E.S.T.



 THOMAS C. HENRY, MAYOR

BILL NO. R-16-06-22

REPORT OF COMMITTEE ON CITY UTILITIES

June 21, 2016

Geoff Paddock, Chair
Jason Arp, Co-Chair
All Council Members

A RESOLUTION approving the purchase of certain real estate (5316 Kenton Lane) for the City of Fort Wayne, Indiana

Total cost of \$115,000.00





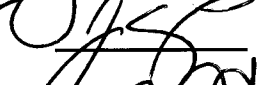

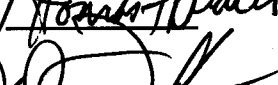

COMMITTEE ON CITY UTILITIES HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
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LANA R. KEESLING CITY CLERK

