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**BILL NO. R-17-01-12**

**RESOLUTION NO. R-3-17**

**A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL ESTATE (9125 BRANSTRATOR ROAD, FORT WAYNE, INDIANA 46809) FOR THE CITY OF FORT WAYNE, INDIANA – Board of Public Works Resolution Number 104-1-4-17-2.**

**WHEREAS**, the City of Fort Wayne desires to purchase property located at 9125 Branstrator Road, Fort Wayne, Indiana 46809, specifically described in "Exhibit "A," attached hereto and made a part hereof; and

**WHEREAS**, the purchase of this property is necessary for the installation of a valve and metering station for the new water main along Branstrator Road and Ellison Road; and

**WHEREAS**, the purchase price for this property is TEN THOUSAND AND 00/100 DOLLARS – (\$10,000.00); 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.

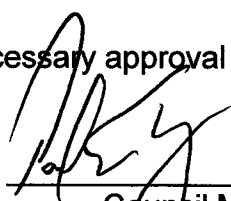
**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** The purchase of property located at 9125 Branstrator Road , Fort Wayne, Indiana 46809, by the City of Fort Wayne,

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Indiana 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

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS  
OF THE CITY OF FORT WAYNE, INDIANA,  
ACQUIRING CERTAIN REAL PROPERTY  
FOR USE BY THE CITY OF FORT WAYNE, INDIANA,  
TO FACILITATE THE  
BRANSTRATOR PRESSURE CONTROL STATION PROJECT**

**RESOLUTION NUMBER 104-1-4-17-2**

WHEREAS, the water distribution system formerly owned by Aqua Indiana, serving southwest Fort Wayne and surrounding communities, is now owned by the City of Fort Wayne, Indiana (the "City");

WHEREAS, the City has integrated the assets of the City's existing water distribution system to the system formerly owned by Aqua Indiana, so as to better serve the users of the former Aqua Indiana system, and so as to better protect the public health, welfare and property of the users of the former Aqua Indiana system; and

WHEREAS, such utility integration includes a new water main along Branstrator Road and Ellison Road in Fort Wayne, and in service of such improvements, it is necessary to purchase a piece of a property, depicted and described in Exhibit 1 attached hereto, located at the southeast corner of Lower Huntington Road and Branstrator Road, the location of a valve and metering station that adjusts water flow, on which the City presently owns an easement (the "Property"); and

WHEREAS, the City wishes to purchase a fee simple interest in the Property to better serve its equipment and interests in that location, and the owners of the Property, Paul and Margaret Eickhoff, have voluntarily agreed to sell the Property to the City, such parties having agreed on a purchase price of \$10,000.00; and

WHEREAS, City Ordinance section 37.25 requires all real estate acquisitions to be approved by the Common Council for the City of Fort Wayne.

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

Finding that this project is of benefit to the public, the purchase of a fee simple interest in the Property by the City of Fort Wayne, Indiana, for the price of \$10,000.00 is hereby

**APPROVED** this 4<sup>th</sup> day of January, 2017.

**BOARD OF PUBLIC WORKS**

By: \_\_\_\_\_  
Robert P. Kennedy, Chair

By: [Signature]  
Kumar Menon, Member

By: [Signature]  
Mike Avila, Member

Attest: [Signature]  
Lyndsey L. Richards, Clerk

Prepared by: Seth Weinglass, 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, Indiana, and Lyndsey L. Richards, Clerk of the Board of Works, and acknowledged the execution of the foregoing resolution as and for their voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and notarial seal this 3 day of January, 2017.

[Signature]  
Notary Public

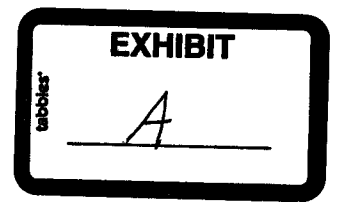
My Commission Expires:

12/02/2020

Resident of Allen County

Lindsay K Haggerty  
Printed Name of Notary





**EXHIBIT 1**

**PROPERTY OWNER NAMES AND MAILING ADDRESSES:**

**Landowners:** Paul and Margaret Eickhoff  
**Mailing Address:** 7330 Ferguson Rd.  
Fort Wayne, IN 46809

**AFFECTED PROPERTY ADDRESS:** 9125 Branstrator Road, Fort Wayne, IN 46809

**LAST DEED OF RECORD:** Deed Book 722, page 583

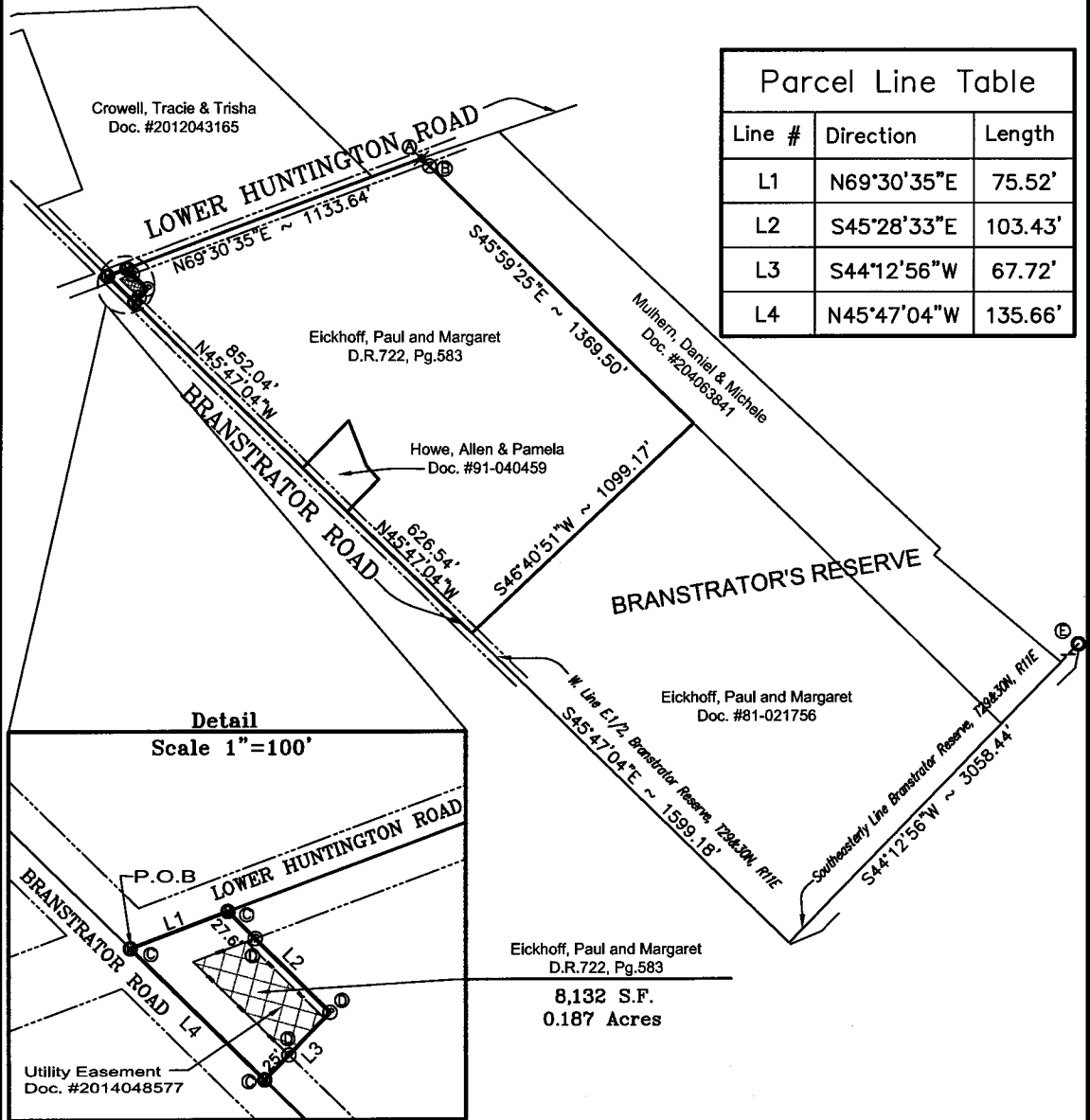
**INTEREST TO BE ACQUIRED:** Fee simple in 0.187 of an acre of the above 40.27 acre parcel  
(legal description and drawing attached).

# CERTIFICATE OF SURVEY

# APEX Consulting & Surveying

613 W. Brackenridge Street  
 Fort Wayne, IN 46802  
 Phone: (260) 755-5993  
 Fax: (888) 808-4177

Nana A. Opoku, PLS No. LS21200012



I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted under my supervision in accordance with Title 865 IAC, Article 1, Rule 12, Section 1 thru 30.

**Legend**  
 P.O.B. - Point of Beginning  
 P.B. - Plat Book  
 Prop. - Proposed  
 Temp. - Temporary

- (A) - RR. Spike Fnd
- (B) - 1-1/4" Pipe Fnd
- (C) - Mag Nail Set
- (D) - 5/8" Rebar Set w/"OPOKU" Id Cap
- (E) - 2" Dia. Steel Post Found

*Nana A. Opoku*  
 Nana A. Opoku, PLS No. 21200012

IN WITNESS WHEREOF, I hereunto place my hand and seal this 20th day of July, 2016.  
 Job No. 14060076 - Revised December 15, 2016

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law."  
 Nana A. Opoku

Property Address:  
 9125 Branstrator Road  
 Fort Wayne, IN 46809

County: Allen  
 Branstrator's Reserve  
 Township 29 & 30 N  
 Range 11 E



**LEGAL DESCRIPTION**  
**0.187 Acres**

Part of the East Half of the Branstrator Reserve in Township 29 and 30 North, Range 11 East of the Second Principal Meridian, in Allen County, Indiana, more particularly described as follows:

BEGINNING at a mag nail set at the intersection of the West line of the East Half of said Branstrator Reserve with the centerline of Lower Huntington Road as established by Deed Record 722, page 583 in the Office of the Recorder of Allen County, Indiana; thence North 69 degrees 30 minutes 35 seconds East (State Plane Bearing and the basis of bearings to follow) along the centerline of said Lower Huntington Road, a distance of 75.52 feet to a mag nail set; thence South 45 degrees 28 minutes 33 seconds East, a distance of 103.43 feet to a 5/8-inch rebar with "OPOKU" identification cap set; thence South 44 degrees 12 minutes 56 seconds West, a distance of 67.72 feet to a mag nail set on the West line of the East Half of said Branstrator Reserve; thence North 45 degrees 47 minutes 04 seconds West along said West line and within the right-of-way of Branstrator Road, a distance of 135.66 feet to the Point of Beginning. Containing 0.187 Acres (8,132 square feet) more or less. Subject to easements of record.

**SURVEYOR'S REPORT**

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the following opinion is submitted regarding the various uncertainties in the locations of the lines and corners established on this parcel as a result of:  
a) Variances in the reference monuments; b) Discrepancies in the record descriptions and plats; c) Inconsistencies in lines of occupation; d) Relative Positional Accuracy;

An electronic total station and data collector were used to collect data for physical location of pavement and parcel corner monumentation was accomplished employing the total station using standard radial surveying techniques and dual GPS receivers. The bearing used as basis for this survey was derived by dual frequency GPS receivers connected to INDOT CORS Network.

**INTENT:** The purpose of this survey is to create a 0.187 acre tract from an existing tract described in Deed Record 722, page 583 situated in the East Half of the Branstrator Reserve in Township 29 and 30 North, Range 11 East, Allen County, Indiana as recorded in the Office of the Recorder of Allen County, Indiana. This survey was completed without the benefit of a title commitment. A complete title search may reveal facts that may change portions of this survey. Client has requested we provide a retracement survey of said 0.187 acres.

**AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS:**

In our field research for this survey, we located a sufficient number of adjacent monuments (as shown on the graphic segment of this survey), which in our opinion, provided us with enough data to verify or reestablish the deed location of the subject property relative to the applicable found and accepted as adjacent deed boundaries. Unless noted otherwise on this survey, all found monuments are flush with the ground, in good material condition and firmly set in the ground. Various sized monuments were found during the course of this survey as shown on sheet no. 1. We have no documented history for these monuments except as noted. The following monumentations were accepted as the best available evidence of the location of Public Land System corners: None

**THEORY OF LOCATION:**

Found monuments and record descriptions were used to establish the parent tract. The centerline of Lower Huntington Road and Branstrator Road were held as the Northerly and Westerly lines of the subject tract. The remaining lines were established during this survey. It is my opinion that the uncertainty associated with these corners is 0.5 feet based on the monuments found relative to now established boundary line.

- A) **Discrepancies in the record descriptions and plats:**  
There are no apparent discrepancies in the record deeds in this area. Copies of the documents shown on sheet no.1 were reviewed and used in the completion of this survey.
- B) **Occupation or Possession lines:**  
Items, such as fences, indicating occupation or possession lines, are shown on the graphic portion of this survey with dimensions indicating their position relative to the lines and corners of this survey. The dimensions are given to the nearest tenth of a foot to illustrate the difference of the inconsistencies between said occupation or possession lines with the deed or plat line(s). Any uncertainty associated with these items is limited to the significant figures indicated by the dimensions.
- C) **Relative Positional Accuracy:**  
The calculated Relative Positional Accuracy due to random errors in measurement of the corners of this survey is within the specifications for a Rural Survey as defined in IAC 865

There are no front yard, side yard or rear yard setbacks given on the record deed and written evidence of setbacks has not been provided to this office as required by State Statute 865 IAC 1-12-13 (12) & (13).

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law" Nana Opoku

Interoffice Memo

Date: January 4, 2017  
To: Common Council Members  
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330  
RE: Purchase of 9125 Branstrator Road, Fort Wayne, IN 46809

**Council Introduction Date: January 10, 2017—Council District: - Southwest**

Background & supporting information:

City Utilities has acquired the water distribution system formerly owned by Aqua Indiana, serving southwest Fort Wayne and the surrounding areas. City Utilities combined Aqua's infrastructure with that of City Utilities to better serve these communities. As part of this integration of the two water utilities, a new water main was built along Branstrator Road and Ellison Road in Fort Wayne.

This property purchase, located on the southeast corner of Lower Huntington Road and Branstrator Road, is the location of a valve and metering station that adjusts water flow along that new water main. Such facility is on an easement; however a larger area of land surrounding the easement is needed to maintain and protect City Utilities' facilities. The property owner proposed to sell the land, so as to be relieved of any maintenance and liability responsibilities over the area. A purchase price of \$10,000.00 was negotiated between the property owner and City Utilities.

City Ordinance section 37.25 requires all real estate acquisitions to be approved by the Common Council. A surveyor's map and legal description are attached showing the exact boundaries of the purchase, along with an aerial map showing recent overhead imagery of the area.

Implications of not being approved:

This purchase will allow City Utilities to protect and maintain its facilities. If the property is not purchased now, it may lead to a dispute as to responsibility for maintenance and liability over the property, and will cost more to purchase at a later date.

Justification if prior approval is being requested: Not applicable.

Funding source: Water Revenue.

Attachments:

- Surveyor's map, legal description, and survey report
- Aerial map

CC: Matthew Wirtz, Diane Brown

**BILL NO. R-17-01-12**

**REPORT OF COMMITTEE ON CITY UTILITIES**

**January 17, 2017**

***Paul Ensley Chair***

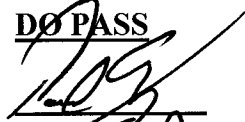


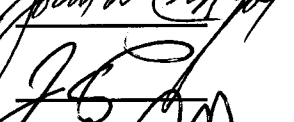

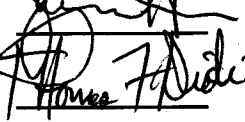

***Tom Freistroffer Co-Chair***

***All Council Members***


A Resolution approving the purchase of certain real estate (9125 Branstrator Road, Fort Wayne, IN 46809) for the City of Fort Wayne, Indiana

*Purchase Price of \$10,000.00*

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

<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: N/A.

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

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

Read the third time in full and on motion by Councilman Ensley, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: January 24, 2017

  
LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

General Resolution No. R-17-01-12 on the 24th day of January, 2017

ATTEST:

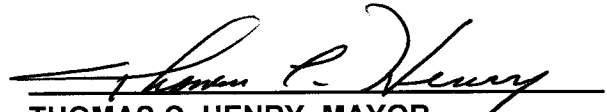
  
LANA R. KEESLING  
CITY CLERK

  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th of January 2017, at the hour of 2:00 o'clock P.M. E.S.T.

  
LANA R. KEESLING, CITY CLERK

Approved and signed by me this 2<sup>nd</sup> day of FEBRUARY 2017, at the hour of 11:15 O'clock AM . E.S.T.

  
THOMAS C. HENRY, MAYOR