

**A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL ESTATE (1748 HALE AVENUE, FORT WAYNE, INDIANA 46802) (\$25,000.00) FOR THE CITY OF FORT WAYNE, INDIANA – Board of Public Works Resolution Number 104-1-18-17-1.**

**WHEREAS**, the City of Fort Wayne desires to purchase property located at 1748 Hale Avenue, Fort Wayne, Indiana 46802, specifically described in "Exhibit "1," attached hereto and made a part hereof; and

**WHEREAS**, the purchase of this property is necessary for the future construction of improvements in support of the Three Rivers Protection and Overflow Reduction Tunnel (3RPORT) Project; and

**WHEREAS**, the purchase price for this property is TWENTY-FIVE THOUSAND AND 00/100 DOLLARS – (\$25,000.00); 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.

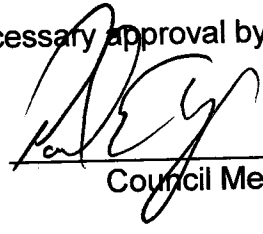
**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** The purchase of property located at 1748 Hale Avenue , Fort Wayne, Indiana 46802, by the City of Fort Wayne, Indiana is


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

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,  
APPROVING THE PURCHASE OF  
1748 HALE AVENUE  
FORT WAYNE, INDIANA**

**RESOLUTION NUMBER 104-1-18-17-1**

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

**WHEREAS**, the property located at 1748 Hale Avenue in Fort Wayne, Indiana, being more particularly described in Exhibit “1” attached hereto (the “Real Property”) is needed 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 the Real Property from its owner, Jacqueline M. Carroll (the “Owner”); and

**WHEREAS**, the aforesaid Owner has voluntarily elected to sell the Real Property to the City; and

**WHEREAS**, the agreed purchase price for the Real Property is Twenty Five Thousand Dollars (\$25,000.00); and

**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 Property by the City of Fort Wayne, Indiana, for the total price of Twenty Five Thousand Dollars (\$25,000.00) is hereby approved.

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

**APPROVED** this 18<sup>th</sup> day of January, 2017.

**BOARD OF PUBLIC WORKS**

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

By: \_\_\_\_\_  
Kumar Menon, Member

By: \_\_\_\_\_  
Mike Avila, Member

Attest: \_\_\_\_\_  
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 \_\_\_\_ day of January, 2017.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

Resident of \_\_\_\_\_ County

\_\_\_\_\_  
Printed Name of Notary

**EXHIBIT 1**

**PROPERTY OWNER NAME AND MAILING ADDRESS:**

**Landowners:** Jacqueline M. Carroll  
**Mailing Address:** 2419 Juliette Ave.  
Fort Wayne, IN 46802

**AFFECTED PROPERTY ADDRESS:** 1748 Hale Ave., Fort Wayne, IN 46802 (inclusive of former property address "1752 Hale Ave (Beh)")

**PROPERTY DESCRIPTION:**

Tax Id Number: 02-12-10-335-007.000-074  
Last Deed of Record: Recorder's Document no. 2008053286  
Legal Description: Brackenridge 2nd South 300 of North 400 Feet Lot 13 in the City of Fort Wayne, Allen County, Indiana.

**AND/INCLUDING**

Tax ID Number: 02-12-10-401-002.000-074  
Last Deed of Record: Recorder's Document no. 2010037008  
[Re-recorded to correct description legal description in no. 2008053285]  
Legal Description: The North 265 Feet of the parts of Lots 14 and 15, Brackenridge's Second Subdivision, lying south of the south line of Brown Street as recorded in the plats of Swinneys Out Lots in Plat Book 1, Page 66, and Electric Addition in Plat Book 5, page 85, in the Office of the Recorder of Allen County, Indiana.  
\*\* Except the North 114 thereof conveyed to the City of Fort Wayne in Deed Book 590, Page 78 as recorded in the Office of the Recorder of Allen County, Indiana.

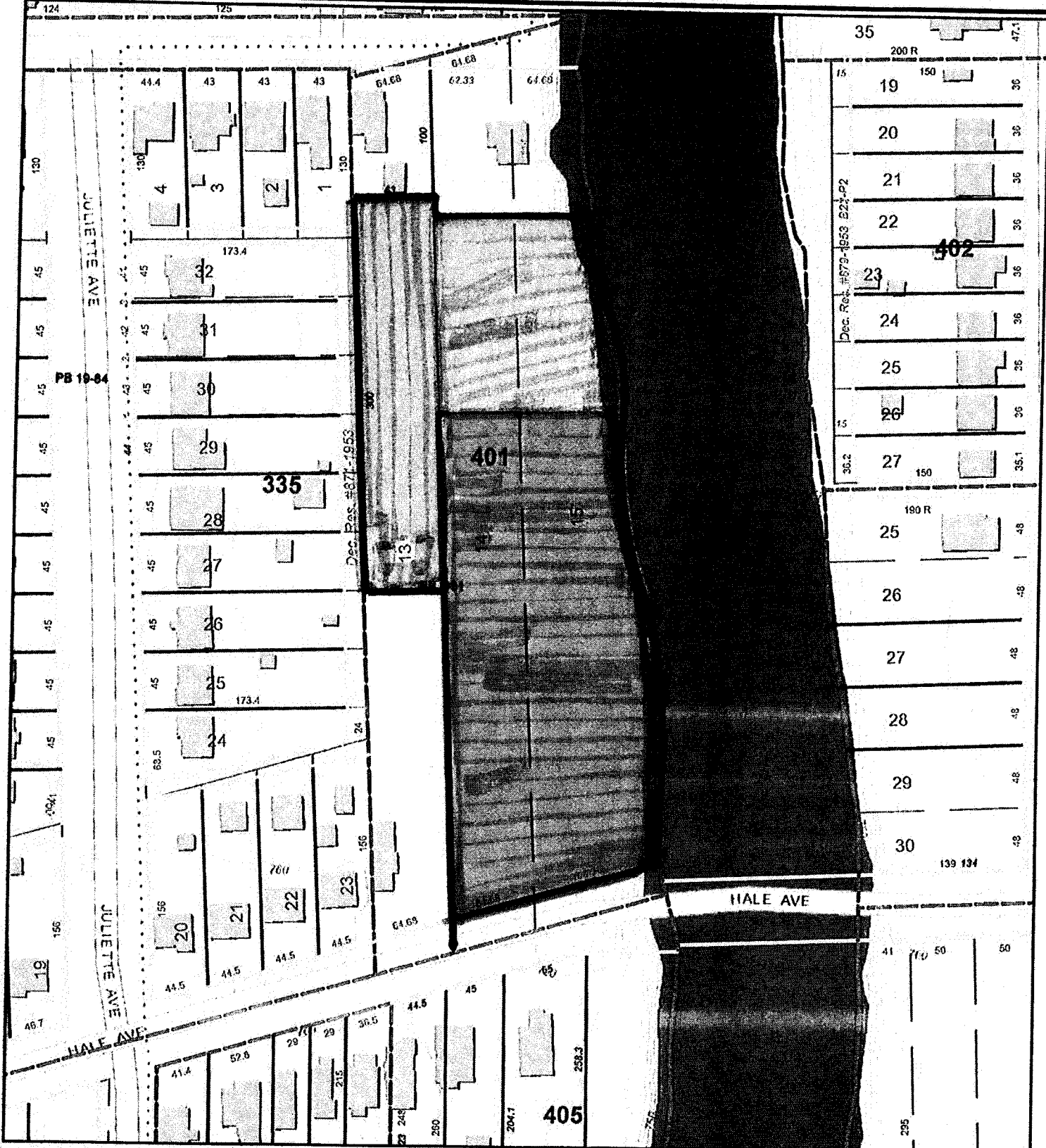
**AND/INCLUDING**

Tax ID Number: 02-12-10-401-003.000-074  
Last Deed of Record: Recorder's Document no. 2010019055  
Legal Description: Lots Numbered 14 and 15 in Brackenridge's Second Subdivision in the City of Fort Wayne, except the North 265 feet thereof. All located in Allen County, Indiana.



# Jacqueline M. Carroll property

Map Title



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

Doc. no. 2008053286

Doc. no. 2010037008

Doc. no. 2010019055 Date: 12/20/2016

1" = 100'

Interoffice Memo

Date: January 18, 2017  
To: Common Council Members  
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330  
RE: Purchase of 1748 Hale Ave., Fort Wayne, IN 46802

**Council Introduction Date: January 24, 2017—Council District no. 5**

Background & supporting information:

City Utilities would like to purchase 1748 Hale Ave. for the future construction of improvements that will be in support of the Three Rivers Protection and Overflow Reduction Tunnel (3RPORT) Project.

This property is immediately adjacent to the Brown Street Pump Station, which is on the property to the north. It is a combined pump station that pumps both sanitary & storm water to the river during wet weather. After the new drop shaft is built next to the pump station, most of the wet weather flow will be diverted into the tunnel instead of being pumped to the river. This project will reduce the number of combined sewer overflows into Fort Wayne's rivers from 71 overflows in a typical year to 4, a 95% reduction.

The owner has voluntarily elected to sell the property to the City. The purchase price is \$25,000.00. 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 January 18, 2017.

Implications of not being approved:

Without access to this site, City Utilities will not be able to proceed with its construction of the drop shaft. If the property is not purchased at this time, it will likely cost more to purchase later.

Justification if prior approval is being requested: Not applicable.

Funding source: Water Revenue.

Attachments:

- BOPW resolution, including legal description exhibit
- Parcel map

CC: Matthew Wirtz, Diane Brown

**BILL NO. R-17-01-29**

**REPORT OF COMMITTEE ON CITY UTILITIES**

**February 7, 2017**

***Paul Ensley Chair***

***Tom Freistroffer Co-Chair***

***All Council Members***

A Resolution approving the purchase of certain real estate for the City of Fort Wayne

*Property located at 1748 Hale Avenue to be purchased at a cost of \$25,000.00*

**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

*Paul Ensley*

*Tom Freistroffer*

*Gregg Daboe*

*John Dill*

*Thomas H. Dickler*

*John W. Carr*

*Janice*

*John*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**LANA R. KEESLING  
CITY CLERK**

*Lana R. Keesling*

Public Hearing Date: N/A

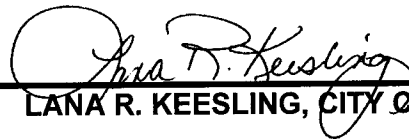
Read the first time in full and on motion by Councilman Ensley.

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: February 14, 2017




---

LANA R. KEESLING, CITY CLERK

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

*Resolution*

No. R-17-01-29 on the 14th day of February, 2017

ATTEST:




---

LANA R. KEESLING  
CITY CLERK




---

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of February 2017, at the hour of 9:45 o'clock A.M. E.S.T.




---

LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15<sup>th</sup> day of FEBRUARY 2017, at the hour of 10:00 O'clock AM E.S.T.




---

THOMAS C. HENRY, MAYOR