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**BILL NO. R-17-11-32**

**RESOLUTION NO. R-103-17**

**A RESOLUTION APPROVING THE PURCHASE OF CERTAIN REAL ESTATE IN THE VICINITY OF KENTON LANE AND EDENTON DRIVE IN FORT WAYNE, INDIANA (\$500.00) FOR THE CITY OF FORT WAYNE, INDIANA – Board of Public Works Resolution Number 104-11-22-17-1.**

**WHEREAS**, the City of Fort Wayne desires to purchase property located in the vicinity of Kenton Lane and Edenton Drive in Fort Wayne, Indiana, specifically described in "Exhibit "A," attached hereto and made a part hereof; and

**WHEREAS**, the purchase of this property is necessary to perform drainage channel improvements and flood reduction project along the Lawrence Drain and to maintain the floodway; and

**WHEREAS**, the purchase price for this property is FIVE HUNDRED AND 00/100 DOLLARS – (\$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:**

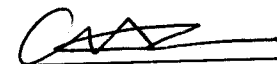
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**SECTION 1.** The purchase of property located in the vicinity of Kenton Lane and Edenton Drive, Fort Wayne, Indiana by the City of Fort Wayne, Indiana is hereby approved and agreed to.

**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 CITY OF FORT WAYNE, INDIANA,  
BOARD OF PUBLIC WORKS  
APPROVING THE PURCHASE OF A CERTAIN REAL PROPERTY  
IN THE VICINITY OF KENTON LANE AND EDENTON DRIVE IN FORT WAYNE  
TO FACILITATE THE LAWRENCE DRAIN FLOOD CONTROL PROJECT**

**RESOLUTION NUMBER 104-11-22-17-1**

WHEREAS, the City of Fort Wayne (the "City") wishes to purchase an additional parcel of real estate, as part of an ongoing program of property purchases immediately adjacent to the east side of Lawrence Drain, in order to perform a drainage channel improvement and flood reduction project, and to maintain to floodway; and

WHEREAS, reduction of flooding in the neighborhood, and continued maintenance of the floodway along Lawrence Drain, is in the best interests of the public health, safety, and welfare; and

WHEREAS, the City thus wishes to purchase from the Allen County Community Development Corporation ("ACCDC") a certain undeveloped real property with the common designation of "5525 Illinois Rd (Beh)" in Fort Wayne, Indiana, 46804, the legal description of which is set forth as Exhibit "A" to Exhibit "1" attached hereto, all incorporated herein by this reference (the "Real Estate"); and

WHEREAS, ACCDC wishes to voluntarily sell the Real Estate to the City; and

WHEREAS, the agreed purchase price is Five Hundred Dollars (\$500.00).

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

The purchase of the Real Estate by the City of Fort Wayne, Indiana, for the price of Five Hundred Dollars (\$500.00) is hereby approved.

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

APPROVED this 22nd day of November, 2017.

**BOARD OF PUBLIC WORKS**

BY: \_\_\_\_\_  
Shan Gunawardena, Interim Chair of Public Works

BY: \_\_\_\_\_  
Kumar Menon, Member

BY: \_\_\_\_\_  
Mike Avila, Member

ATTEST: \_\_\_\_\_  
Lindsey 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 Shan Gunawardena, 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 22nd day of November, 2017.

My Commission Expires:

\_\_\_\_\_

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

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

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

**"Exhibit A"**

Part of the northeast quarter of section 7, township 30 north, range 12 east, Allen County, Indiana, more particularly described as follows, to-wit: Beginning on the south line of said northeast quarter at a point situated by deed, 1694.13 feet (1694 2/15 feet) east of the southwest corner of said northeast quarter; thence east, on and along said south line, a distance of 504.66 feet; thence northerly, by an interior angle of 88 degrees, 56 minutes, a distance of 1187.2 feet; thence westerly, by an interior angle of 91 degrees, 56 minutes, a distance of 504.8 feet; thence southerly, by an interior angle of 88 degrees, 04 minutes, a distance of 1194.8 feet to the point of beginning, containing 13.796 acres of land.

**EXCEPT:**

A part of the northeast quarter of section 7, township 30 north, range 12 east, of the Second Principle Meridian, Allen County, Indiana, more particularly described as follows: Commencing at the southwest corner of the northeast quarter of said section 7, also being the intersection of the south line of said northeast quarter and the centerline of Getz Road; thence easterly along the south line, a distance of 1,441.55 feet to the point of beginning, thence north 01 degree, 18 minutes, 48 seconds west, a distance of 375.41 feet; thence south 89 degrees, 56 minute, 06 seconds east, a distance of 265.35 feet to the centerline of an existing ditch, thence south 29 degrees, 12 minutes, 55 seconds east, a distance of 305.97 feet along said centerline of ditch; thence south 70 degrees, 12 minutes, 54 seconds west, a distance of 64.41 feet along said ditch centerline; thence 34 degrees, 26 minutes, 48 seconds west, a distance of 104.98 feet along said centerline of ditch; thence north 89 degrees, 56 minutes, 38 seconds west, a distance of 286.43 feet to the point of beginning, containing 2.88 acres, more or less, and subject to rights-of way and easements of record.

**ALSO EXCEPTING:**

Breconshire, Phase Three as recorded at Plat Cabinet B, page 17, and Breconshire, Phase Four as recorded at Plat Cabinet B, page 41 and Breconshire, Phase Five as recorded at Plat Cabinet B, page 64 in the Office of the Recorder of Allen County, Indiana.

# Lawrence Drain at Kenton Lane/Edenton Drive

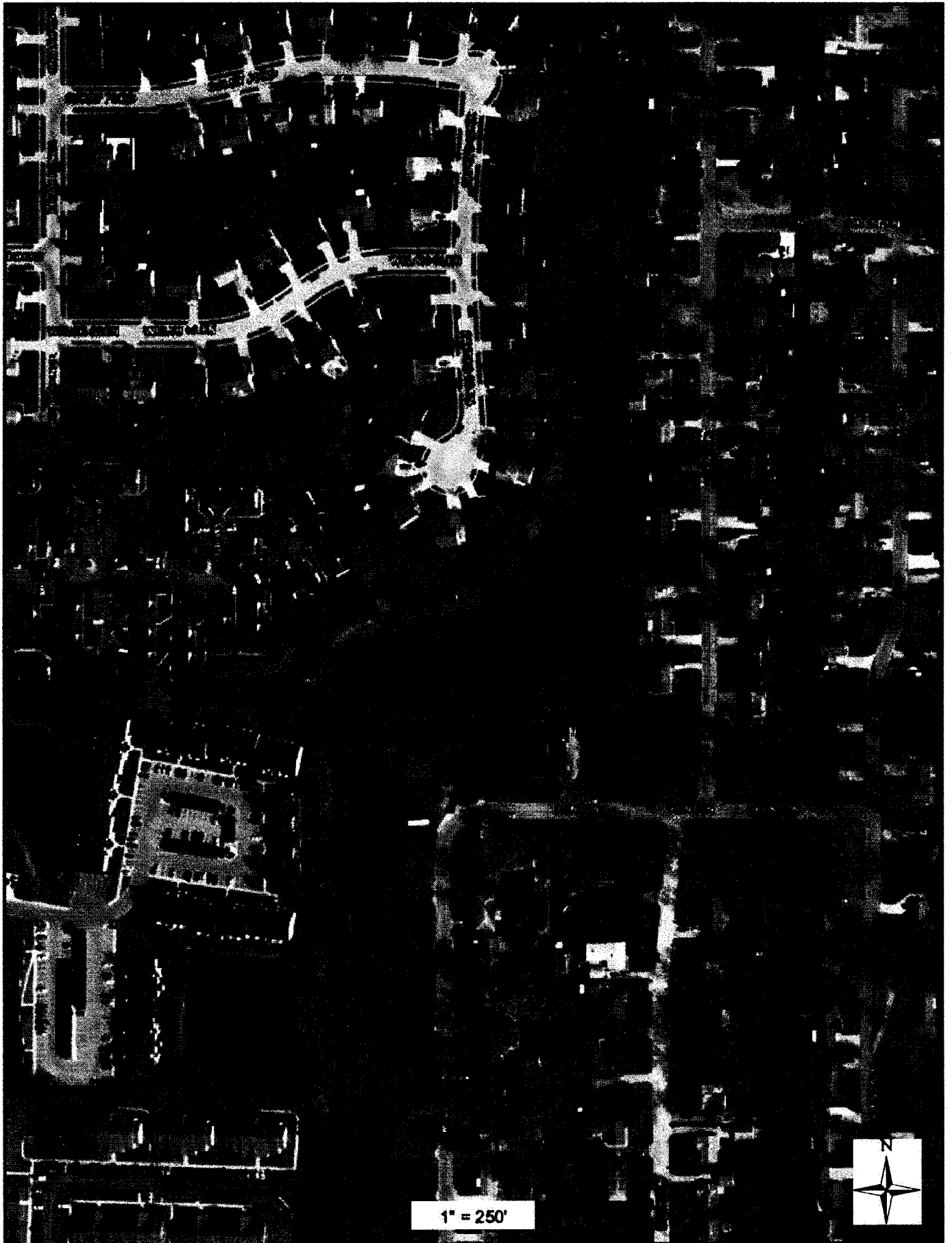
Approximate property boundary



1" = 250'



# Lawrence Drain at Kenton Lane/Edenton Drive



1" = 250'



**EXHIBIT 1**

**PROPERTY OWNER NAME AND MAILING ADDRESS:**

**Landowner:** Allen County Community Development Corporation  
**Mailing Address:** 200 East Berry Street, Suite 170  
Fort Wayne, IN 46802

**AFFECTED PROPERTY:**

**Address:** 1700 block Nuttman Avenue, Fort Wayne, Indiana 46809  
**Last deed of record:** Allen County Recorder's document number 2009034989  
**Tax parcel no.:** 02-12-07-280-001.000-074  
**Legal description:** See exhibit "A" attached

**INTEREST TO BE ACQUIRED:** Fee simple in the entire parcel.

Interoffice Memo

Date: November 22, 2017  
To: Common Council Members  
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330  
RE: Purchase of Vacant Lot at Kenton Ln/Edenton Dr, Fort Wayne, Indiana 46804

**Council Introduction Date: November 28, 2017—Council District #:4**

Background & supporting information:

To prepare for projects to combat flooding along the Lawrence Drain, around 2008 City Utilities began to purchase and demolish houses in the Westmoor Extended Addition. After acquiring all needed residential properties, City Utilities would now like to acquire the final (19<sup>th</sup>) property that will be used for this purpose, an undeveloped lot on either side of the Lawrence Drain.

The property is owned by the Allen County Community Development Corp., whose asking price is \$500,000. In comparison, the (significantly smaller) residential parcels were acquired for around \$80,000 to \$90,000.

A map is attached to this memo showing the approximate boundaries of the property being purchased, and a copy of the Resolution approved by the Board of Public Works on November 22, 2017.

Implications of not being approved:

If the property is not purchased at this time, other property rights will need to be acquired from the County in order to perform this project to widen the drain.

Justification if prior approval is being requested: Not applicable

Funding source: Storm Revenue

Attachments:

- Map
- Resolution

CC: Matthew Wirtz  
Anne Marie Smrchek  
Diane Brown  
Project file



**FORT WAYNE BOARD OF PUBLIC WORKS  
TRANSMITTAL**

Meeting Date: November 22, 2017

Department: City Utilities Administration

Preparer: Weinglass, Seth

Subject: 104-11-22-17-1 Purchase of Vacant Lot from ACCDC for Lawrence Drain

---

**Description:**

Improvement Resolution # 104-11-22-17-1, Purchase of Vacant Lot from ACCDC for the Lawrence Drain Flood Control project.

**Attachments:**

BOPW Res no. 104-11-22-17-1 - ACCDC Lawrence Drain

**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA,  
BOARD OF PUBLIC WORKS  
APPROVING THE PURCHASE OF A CERTAIN REAL PROPERTY  
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(Remainder of the page intentionally left blank—signature page to follow.)

APPROVED this 22nd day of November, 2017.

**BOARD OF PUBLIC WORKS**

BY: *Shan Gunawardena*  
Shan Gunawardena, Interim Chair of Public Works

BY: *Kumar Menon*  
Kumar Menon, Member

BY: *Mike Avila*  
Mike Avila, Member

ATTEST: *Lyndsey Richards*  
Lyndsey 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 Shan Gunawardena, 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 22nd day of November, 2017.



*Michelle R. Nelson*  
Notary Public

Resident of *Allen* County

*Michelle R. Nelson*  
Printed Name of Notary

# Lawrence Drain at Kenton Lane/Edenton Drive



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**BILL NO. R-17-11-32**

**REPORT OF COMMITTEE ON CITY UTILITIES  
December 5, 2017**

***Tom Freistroffer Chair***

***Paul Ensley Co-Chair***

***All Council Members***

A Resolution approving the purchase of certain real estate in the vicinity of Kenton Lane and Edenton Drive in Fort Wayne, Indiana for the city of Fort Wayne, Indiana – Board of Public Works Resolution Number 104-11-22-17-1





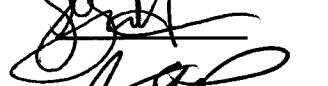
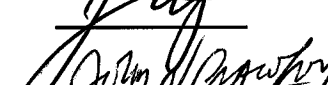
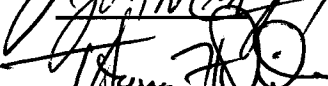
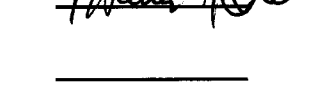
**COMMITTEE ON CITY UTILITIES HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance**

DO PASS

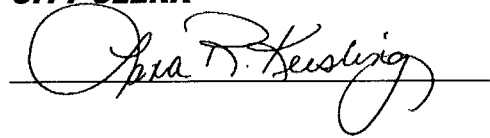
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilman Freistroffer, 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: December 12, 2017

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-17-11-32 on the 12th day of December, 2017

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th of December 2017, at the hour of 10:30 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13<sup>th</sup> day of December 2017, at the hour of 2:00 O'clock pm E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR