

1 **BILL NO. R-19-01-18**

2 **RESOLUTION NO. 4-19**

3 **A RESOLUTION APPROVING THE**  
4 **PURCHASE OF CERTAIN REAL ESTATE FOR**  
5 **THE CITY OF FORT WAYNE, DIVISION OF**  
6 **CITY UTILITIES.**

7 **WHEREAS**, the City of Fort Wayne, Division of City Utilities, desires to purchase  
8 property located at 516 Wagner Street, Fort Wayne, Indiana for planned future expansion of the  
9 Water Filtration Plant; and

10 **WHEREAS**, the City of Fort Wayne, through its Board of Public Works, has  
11 approved the purchase of the property pursuant to Board of Public Works Resolution Number 106-1-  
12 15-19-1, Exhibit "A" attached hereto and made a part hereof; and

13 **WHEREAS**, the purchase price for the property is THIRTEEN THOUSAND  
14 SEVENTY-SEVEN AND 65/100 DOLLARS – (\$13,077.65); and

15 **WHEREAS**, Sec. 37-25 of the City of Fort Wayne Code of Ordinances, requires the  
16 Common Council approval of any purchase of real estate by the City.

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

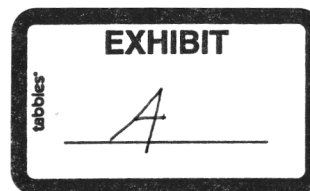
19 **SECTION 1.** The purchase of real estate by the City of Fort Wayne by its Division  
20 of City Utilities, located at 516 Wagner Street, Fort Wayne Indiana, specifically described in the  
21 Board of Public Works Resolution, Exhibit "A," is hereby approved and agreed to. The appropriate  
22 officials of the City are hereby authorized to execute all documents necessary to accomplish said  
23 purchase.

24 **SECTION 2.** This Resolution shall be in full force and effect from and after its  
25 passage and any and all necessary approval by the Mayor.

26   
27 \_\_\_\_\_  
28 Council Member

29 APPROVED AS TO FORM AND LEGALITY

30   
\_\_\_\_\_  
Carol Helton, City Attorney



**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA  
BOARD OF PUBLIC WORKS  
APPROVING THE ACQUISITION OF 516 WAGNER STREET FOR  
WATER FILTRATION PLANT CAPACITY DEVELOPMENT**

**RESOLUTION NUMBER 106-1-15-19-1**

WHEREAS, City Utilities for the City of Fort Wayne (“CU”) has an ongoing program of purchasing houses on the south side of Wagner Street, immediately adjacent to the north side of the Three Rivers Water Filtration Plant (the “Plant”), for the purpose of purchasing real estate and demolishing the houses located thereon to create a security buffer zone on the north side of the Plant, in the best interests of the public health, safety, and welfare; and

WHEREAS, in furtherance of the creation of such security buffer zone, CU wishes to acquire title to that certain parcel of real estate having the address of 516 Wagner Street, the legal description of which is set forth in Exhibit “1” attached hereto and incorporated herein by this reference (the “Real Estate”); and

WHEREAS, the Real Estate was made available for public auction by Allen County at its annual tax sale in 2017;

WHEREAS, prior to the 2017 tax sale, CU obtained two independent appraisals of the Real Estate, the average of which yielded an appraised value of \$40,000.00 for the Real Estate;

WHEREAS, CU’s designated agent (the “Tax Sale Agent”) submitted a bid for the Real Estate of Thirteen Thousand Seventy-Seven Dollars and Sixty-Five Cents (\$13,077.65), which was the winning bid for the Real Estate; and

WHEREAS, the Tax Sale Agent acquired the Real Estate at the 2017 tax sale for a bid price of Thirteen Thousand Seventy-Seven Dollars and Sixty-Five Cents (\$13,077.65); and

WHEREAS, because the Real Estate was not redeemed by the former property owner during the statutory period of redemption, a Tax Sale Deed was issued to the Tax Sale Agent; and

WHEREAS, the Tax Sale Agent desires to transfer the Real Estate to CU by quitclaim deed pursuant to a previously established procedure.

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

The tax sale purchase of the Real Estate for bid price of Thirteen Thousand Seventy Seven Dollars and Sixty-Five Cents (\$13,077.65) is hereby ratified, and the transfer of the Real Estate to CU by quitclaim deed is hereby approved.

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

APPROVED this 15th day of January, 2019.

**BOARD OF PUBLIC WORKS**

BY: *Shan Gunawardena*  
Shan Gunawardena, Chair

BY: *Kumar Menon*  
Kumar Menon, Member

BY: *Mike Avila*  
Mike Avila, Member

ATTEST: *Michelle Fulk* 1-15-19  
Michelle Fulk, Clerk

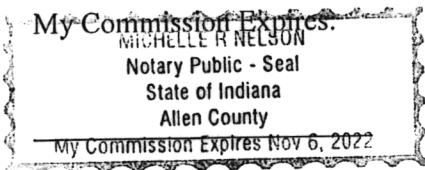
Prepared by: Seth Weinglass, City of Fort Wayne, Program Manager, Capital Project Services

**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 Michelle Fulk, 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 15th day of January, 2019.



*Michelle R. Nelson*  
Notary Public

Resident of *Allen* County

*Michelle R. Nelson*  
Printed Name of Notary

**EXHIBIT 1**

**AFFECTED PROPERTY:**

**Address:** 516 Wagner St. Fort Wayne, IN 46808  
**Last deed of record:** Allen County Recorder's document number 2013002545  
**Tax parcel no.:** 02-12-02-233-007.000-074

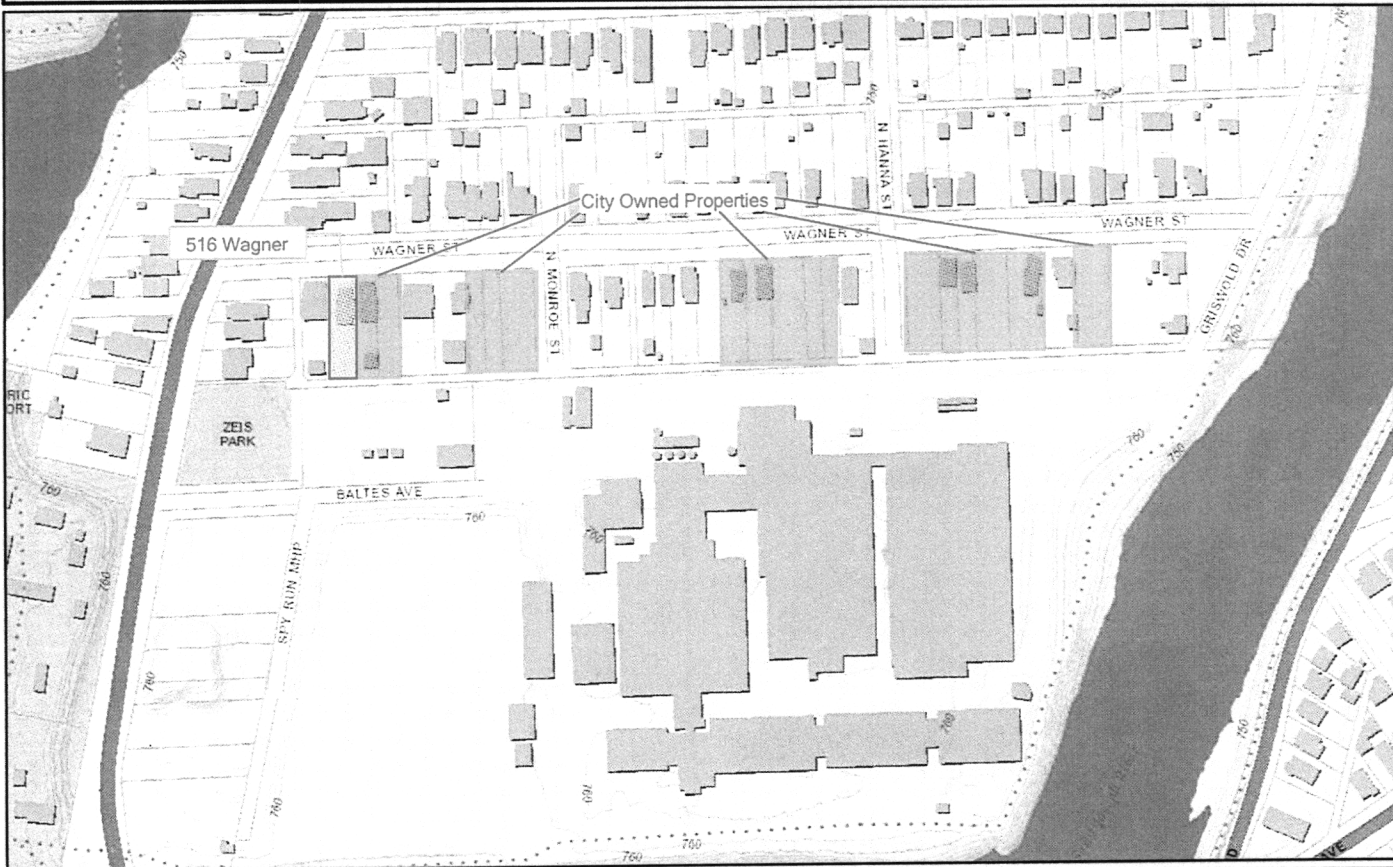
**Legal description**

Lot 5 Romy & Martin Addition

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



# Wagner Street Properties - Buy-outs



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



Date: 9/3/2015 1" = 200'

Interoffice Memo

Date: January 17, 2019  
To: Common Council Members  
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330  
RE: **Purchase of 516 Wagner Street, in Fort Wayne, Indiana 46808**

**Council Introduction Date: January 22, 2019 - Council District #: 5**

Background & supporting information:

City Utilities has an ongoing, multi-year program of purchasing houses on the south side of Wagner Street, immediately adjacent to the north side of the Water Filtration Plant, for a security zone and planned future expansion of the Water Filtration Plant. City Utilities would now like to acquire 516 Wagner Street and demolish abandoned the residential duplex on the property.

The tax-delinquent property was put up for auction by Allen County in 2017. Prior to the tax sale, City Utilities had two independent appraisals performed, yielding an average value of \$40,000.00. City Utilities' tax sale agent submitted the high bid, in the amount of \$13,077.65. Then after the former owner allowed the 1-year redemption period to lapse, a tax deed was issued to the tax sale agent. City Utilities is now seeking to have the high bid ratified under City Ordinance 37.25, and for approval of a quitclaim of the tax deed to the City.

As an update to Council, City Utilities has previously purchased 17 of the 29 properties along the south side of Wagner Street. A map is attached to this memo highlighting the properties purchased, along with the current one under consideration.

Implications of not being approved:

Any future acquisition of this property is likely to be at a higher price than the amount bid at this auction. As this property has been uninhabited for several years, it is already in deteriorating condition, and will become more of a nuisance over time if unattended.

Justification if prior approval is being requested: Not applicable

Funding source: Water Revenue

Attachments:

- Map
- Resolution for purchase approved by Board of Public Works on January 15, 2019

CC: Matthew Wirtz  
Diane Brown

**BILL NO. R-19-01-18**

**REPORT OF COMMITTEE ON CITY UTILITIES**

**February 12, 2019**

**Thomas Didier Chair**

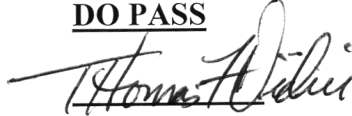

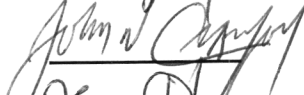
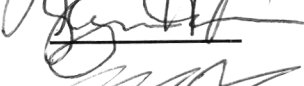


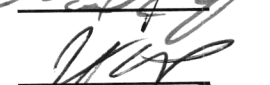

**Geoff Paddock Co-Chair**

**All Council Members**

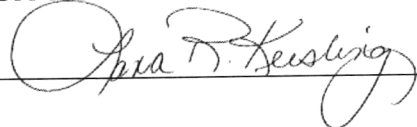
A Resolution approving the purchase of certain real estate for the City of Fort Wayne, Division of City Utilities

516 Wagner Street, purchase price for the property is \$13,077.65

**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 Didier.

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

Read the third time in full and on motion by Councilman Didier, 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 12, 2019




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LANA R. KEESLING, CITY CLERK

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

Resolution No. R-19-01-18 on the 12th day of February, 2019




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LANA R. KEESLING  
CITY CLERK




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PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th of February 2019, at the hour of 10:05 o'clock A.M. E.S.T.




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LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14<sup>th</sup> day of FEBRUARY 2019, at the hour of 10:00 o'clock AM . E.S.T.




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THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA  
**RECEIVED**  
FEB 15 2019  
LANA R. KEESLING  
CITY CLERK