

3  
4 A RESOLUTION APPROVING THE  
5 ACQUISITION OF CERTAIN REAL  
6 ESTATE LOCATED AT 5200 NEVADA  
7 (BEHIND) AVENUE, FORT WAYNE,  
8 INDIANA, 46815 FOR THE CITY OF FORT  
9 WAYNE, INDIANA – Board of Public  
10 Works Resolution Number 110-1-24-23-4.

11 WHEREAS, the City of Fort Wayne (the “City”) wishes to acquire title to  
12 that certain parcel of unimproved real estate having the street address of 5200 Nevada  
13 (Behind) Avenue in the City of Fort Wayne, the legal description of which is set forth in  
14 Exhibit “1” attached hereto and incorporated herein by this reference (the “Real Estate”),  
15 for the purpose of reducing storm drainage issues in the surrounding neighborhood, and  
16 in the best interests of the public health, safety, and welfare; and

17 WHEREAS, the Real Estate was made available for sale at public auction  
18 by Allen County at its annual tax sale in 2021, at which time the Allen County Tax  
19 Assessor valued the Real Estate at One Thousand Three Hundred Twenty-Six Dollars  
20 and Forty Cents (\$1,326.40) inclusive of costs and fees as the minimum allowed bid  
21 amount at the tax sale;

22 WHEREAS, the City’s designated agent at the tax sale (the “Tax Sale  
23 Agent”) submitted that minimum allowable bid of \$1,326.40 for the Real Estate, and  
24 such minimum bid amount was the sole and winning bid.

25 WHEREAS, because the Real Estate was not redeemed by the former  
26 property owner during the statutory period of redemption, a tax sale deed for the Real  
27 Estate was issued to the Tax Sale Agent, and was recorded as document number  
28 2022060843 in the Office of the Recorder of Allen County, Indiana; and

29 WHEREAS, the Tax Sale Agent now wishes to transfer the Real Estate to  
30 the City by quitclaim deed.



**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA  
BOARD OF PUBLIC WORKS  
APPROVING THE ACQUISITION OF 5200 NEVADA (BEHIND) AVENUE**

**RESOLUTION NUMBER 110-1-24-23-4**

WHEREAS, City Utilities for the City of Fort Wayne (“CU”) wishes to acquire title to that certain parcel of unimproved real estate having the street address of 5200 Nevada (Behind) Avenue in the City of Fort Wayne, the legal description of which is set forth in Exhibit “1” attached hereto and incorporated herein by this reference (the “Real Estate”), for the purpose of reducing storm drainage issues in the surrounding neighborhood, and in the best interests of the public health, safety, and welfare; and

WHEREAS, the Real Estate was made available for sale at public auction by Allen County at its annual tax sale in 2021, at which time the Allen County Tax Assessor valued the Real Estate at One Thousand Three Hundred Twenty-Six Dollars and Forty Cents (\$1,326.40) inclusive of costs and fees as the minimum allowed bid amount at the tax sale;

WHEREAS, CU’s designated agent at the tax sale (the “Tax Sale Agent”) submitted that minimum allowable bid of \$1,326.40 for the Real Estate, and such minimum bid amount was the sole and winning bid.

WHEREAS, because the Real Estate was not redeemed by the former property owner during the statutory period of redemption, a tax sale deed for the Real Estate was issued to the Tax Sale Agent, and was recorded as document number 2022060843 in the Office of the Recorder of Allen County, Indiana; 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 the total bid price of One Thousand Three Hundred Twenty-Six Dollars and Forty Cents (\$1,326.40) 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 24th day of January, 2023.

**BOARD OF PUBLIC WORKS**

BY: *Shan Gunawardena*  
Shan Gunawardena, Chair

BY: *[Signature]*  
Kumar Menon, Member

BY: ABSENT  
Chris Guerrero, Member

ATTEST: *[Signature]*  
Michelle Fulk-Vondran, Clerk

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

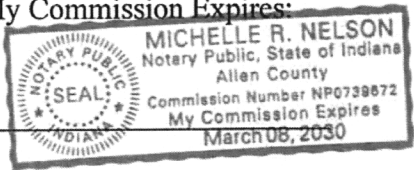
**ACKNOWLEDGEMENT**

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 ~~Chris Guerrero~~ <sup>ABSENT</sup>, as Members of the Board of Public Works of the City of Fort Wayne, and Michelle Fulk-Vondran, 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 24th day of January, 2023.

My Commission Expires:



*Michelle R. Nelson*  
Notary Public

Resident of Allen County

Michelle R. Nelson  
Printed Name of Notary

**EXHIBIT 1**

**AFFECTED PROPERTY:**

**Legal Description:** 25 x 460 ft strip 150 ft S of Lots 108 thru 112 Statwood Park Sec C  
**Address:** 5200 Nevada (Beh) Ave  
**Last deed of record:** Allen County Recorder's document number 2022060843  
**Tax parcel no.:** 02-08-33-376-011.000-072  
**Acres:** 0.26

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

# 5200 Nevada (Behind) Avenue



Interoffice Memo

Date: February 8, 2023  
To: Common Council Members  
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330  
RE: **Acquisition of 5200 Nevada (Behind) Avenue, in Fort Wayne, Indiana 46802**

**Council Introduction Date: February 14, 2023 - Council District #: 1**

Background & supporting information:

City Ordinance 37.25 requires the prior approval or subsequent ratification of any acquisition of real estate. The vacant lot located behind 5200 Nevada Avenue is needed for storm drainage improvements. This tax-delinquent property was offered for public auction by Allen County in 2021, as part of its annual tax sale. The assessed value of the property at the time was \$1,600, and City Utilities' tax sale agent submitted the high bid for the property in the amount of \$1,326.40, resulting in a tax lien that the owner had one year to redeem. After the owner allowed such 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, and for approval of a quitclaim of the tax deed to the City. A map depicting the property's location is attached.

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. This is a vacant property in a floodplain, and is not likely to be useful to a private owner.

Justification if prior approval is being requested: Not applicable

Funding source: Stormwater Revenue

Attachments:

- Map
- Resolution for purchase approved by Board of Public Works on January 24, 2023

CC: Matthew Wirtz  
Jill Helfrich

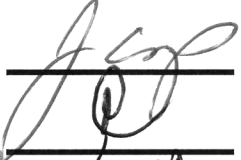
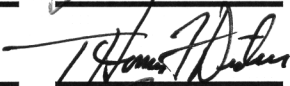
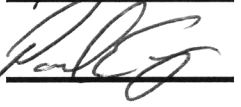

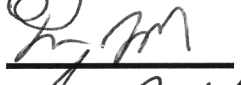


**BILL NO. R-23-02-10**

**REPORT OF COMMITTEE ON CITY UTILITIES  
February 21, 2023**

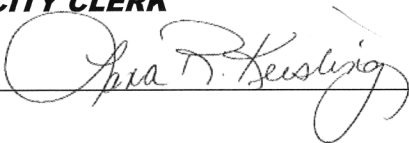
***Paul Ensley Chair  
Russ Jehl Co-Chair  
All Council Members***

A Resolution approving the acquisition of certain real estate located at 5200 Nevada (Behind) Avenue, Fort Wayne, Indiana, 46815 for the City of Fort Wayne, Indiana – Board of Public Works Resolution Number 110-1-24-23-4

Tax Sale Purchase for the price of \$1,326.40

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>ARP</u>		<u>                    </u>	<u>                    </u>
<u>CHAMBERS</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>DIDIER</u>		<u>                    </u>	<u>                    </u>
<u>ENSLEY</u>		<u>                    </u>	<u>                    </u>
<u>FREISTROFFER</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>HINES</u>		<u>                    </u>	<u>                    </u>
<u>JEHL</u>		<u>                    </u>	<u>                    </u>
<u>PADDOCK</u>		<u>                    </u>	<u>                    </u>
<u>TUCKER</u>		<u>                    </u>	<u>                    </u>

**LANA R. KEESLING  
CITY CLERK**



Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilperson 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"/>
CHAMBERS	<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"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: February 28, 2023

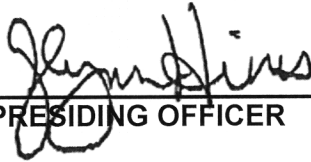
  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-23-02-10 on the 28th day of February, 2023

ATTEST:


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

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

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 1st of March 2023, at the hour of 3:20 o'clock P.M. E.S.T.

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

Approved and signed by me this 9<sup>TH</sup> day of MARCH 2023, at the hour of 9:00 o'clock AM E.S.T.

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

