

**A RESOLUTION APPROVING THE ACQUISITION OF CERTAIN REAL ESTATE LOCATED AT 905 WAVERLY DRIVE, FORT WAYNE, INDIANA, 46803 FOR THE CITY OF FORT WAYNE, INDIANA – Board of Public Works Resolution Number 110-10-3-23-2.**

WHEREAS, the City of Fort Wayne (the “City”) wishes to purchase a 0.3-acre parcel of real estate, the full legal description of which is set forth in Exhibit “1” attached hereto, incorporated herein by this reference (the “Real Estate”); and

WHEREAS, the Real Estate’s owner, the Allen County Community Development Corporation (“ACCDC”), wishes to sell the Real Estate to the City; and

WHEREAS, the Real Estate is the site of a razed former residence, located at 905 Waverly Drive, in the Riverhaven neighborhood of Fort Wayne, Indiana; and

WHEREAS purchasing the Real Estate will reduce maintenance costs of shared grinder stations historically serviced by Allen County Regional Water and Sewer District, and is thus in the best interests of City Utilities’ ratepayers; and

WHEREAS, the agreed purchase price for the Real Estate is Three Thousand and Twenty-Five Dollars (\$3,025.00).

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

**SECTION 1.** The purchase of the Real Estate by the City of Fort Wayne, Indiana, for Three Thousand and Twenty-Five Dollars (\$3,025.00) is hereby approved.

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**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

  
\_\_\_\_\_  
Malak Heiny, City Attorney

**A RESOLUTION OF THE CITY OF FORT WAYNE, INDIANA,  
BOARD OF PUBLIC WORKS  
APPROVING THE PURCHASE OF 905 WAVERLY DRIVE  
FOR ACRWSD GRINDER STATION LIABILITY REDUCTION**

**RESOLUTION NUMBER 110-10-3-23-2**

WHEREAS, the City of Fort Wayne (the "City") wishes to purchase a 0.3-acre parcel of real estate, the full legal description of which is set forth in Exhibit "1" attached hereto, incorporated herein by this reference (the "Real Estate"); and

WHEREAS, the Real Estate's owner, the Allen County Community Development Corporation ("ACCDC"), wishes to sell the Real Estate to the City; and

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WHEREAS purchasing the Real Estate will reduce maintenance costs of shared grinder stations historically serviced by Allen County Regional Water and Sewer District, and is thus in the best interests of City Utilities' ratepayers; and

WHEREAS, the agreed purchase price for the Real Estate is Three Thousand and Twenty-Five Dollars (\$3,025.00).

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 Three Thousand and Twenty-Five Dollars (\$3,025.00) is hereby approved.

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

APPROVED this 3<sup>rd</sup> day of October, 2023.

**BOARD OF PUBLIC WORKS**

BY: [Signature]  
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~~ ABSENT, 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 3<sup>rd</sup> day of October, 2023.

[Signature]  
Notary Public

Resident of ALLEN County

Michelle R. Nelson  
Printed Name of Notary

My Commission Expires:



**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 PROPERTIES:**

**Address:** 905 Waverly Drive, Fort Wayne, Indiana 46803  
**Last deed of record:** Allen County Recorder's document number 2023008859  
**Tax parcel no.:** 02-13-03-356-006.000-040  
**Legal description:** Lots 227 and 230 in Section "B" Riverhaven Addition to the City of Fort Wayne, Indiana, according to the recorded plat thereof.

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



September 27, 2023

This map is intended for general reference purposes only. The information displayed herein is not guaranteed to be completely accurate or all inclusive.

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Interoffice Memo

Date: October 3, 2023  
To: Common Council Members  
From: Seth Weinglass, Program Manager – Capital Project Services – Telephone: 427-1330  
RE: Purchase of 905 Waverly Drive from ACCDC

**Council Introduction Date: October 10, 2023 - Council District #: n/a**

Background & supporting information:

City Utilities is seeking to purchase a parcel of land with the street address of 905 Waverly Drive, in the Riverhaven neighborhood. The residential structure and other improvements on the property were all razed in 2020. The current owner is Allen County Community Development Corporation (ACCDC), which took title after the previous owner defaulted on their property taxes.

Sewer service to the former residence had been provided by Allen County Regional Water and Sewer District (ACRWSO). Following ACRWSO's recent acquisition by CU, all ACRWSO customers are now CU customers. ACRWSO maintained customers' grinder stations. CU's policy and belief it is not in its ratepayers' long-term financial interest to continue maintaining grinder stations indefinitely.

In accordance with that policy, CU is purchasing 905 Waverly Drive, which shares its grinder with a neighboring property. ACCDC has agreed to sell the lot to City Utilities for a purchase price of \$3,025.00, which is significantly below the capital and operational costs of maintaining the grinder station for this property. The property is also in the Maumee River flood plain and better to leave undeveloped. The map attached to this memo shows the parcel that City Utilities intends to purchase.

Implications of not being approved:

If this property is developed and reconnected to the shared grinder station, City Utilities will have indefinite maintenance liability.

Justification if prior approval is being requested: Not applicable

Funding source: Sewer Revenue

Attachments:

- Map
- Resolution for purchase approved by Board of Public Works on October 3, 2023

CC: Matthew Wirtz  
Nathan Baggett  
Jill Helfrich

**BILL NO. R-23-10-07**

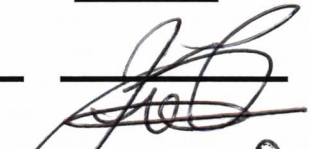




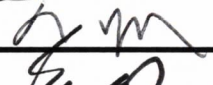


**REPORT OF COMMITTEE ON CITY UTILITIES**

**October 17, 2023**

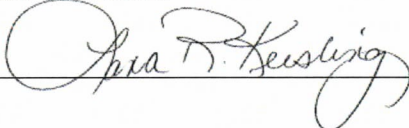
**Russ Jehl Chair**  
**Paul Ensley Co-Chair**  
**All Council Members**

A Resolution approving the acquisition of certain real estate located at 905 Waverly Drive, Fort Wayne, Indiana, 46803 for the City of Fort Wayne, Indiana – Board of Public Works Resolution Number 110-10-3-23-2

*Agreed Purchase Price for the real estate is \$3,025.00*

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

**LANA R. KEESLING**  
**CITY CLERK**



Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilperson Jehl, 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: October 24, 2023

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

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
 Special Ordinance No. R-23-10-07 on the 24th day of October, 2023

ATTEST:

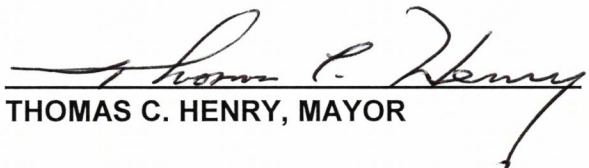
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

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

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th  
 of October 2023, at the hour of 4:15 o'clock P.M. E.S.T.

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

Approved and signed by me this 26<sup>TH</sup> day of OCTOBER 2023, at the  
 hour of 10:00 o'clock AM E.S.T.

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

