

BILL NO. R-26-09-06

RESOLUTION NO. R-83-26

**A RESOLUTION OF THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
APPROVING WARRANTY DEED WITH ORCHARD ON WALLEN LLC
FOR FEE SIMPLE RIGHT-OF-WAY ALONG WEST WALLEN RD**

WHEREAS, Orchard on Wallen LLC, an Indiana Limited Liability Company, wishes to donate a piece of property along West Wallen Rd. (the "Real Estate") to the City of Fort Wayne ("City"), to be used for Right of Way, giving the City the ability to construct a roadway; and

WHEREAS, the owner of the Real Estate is Orchard on Wallen LLC (the "Owner").

WHEREAS, the City of Fort Wayne, by and through its Board of Public Works, approved and executed Resolution Number 113-8-25-26-3 to acquire the Real Estate in the regularly-held meeting of the Board of Public Works on August 25, 2026; and

WHEREAS, Sec. 37.25 of the City of Fort Wayne Code of Ordinances requires the Common Council's approval of any conveyance of real estate to the City.

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

SECTION 1. The acquisition of the Real Estate by the City of Fort Wayne, by and through its Board of Public Works, and upon such other terms and conditions as Owner shall determine, is hereby agreed to and approved. The appropriate officials of the City are hereby authorized to execute all documents necessary to effectuate said acquisition.

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

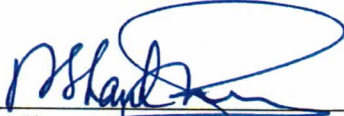
APPROVED AS TO FORM AND LEGALITY:

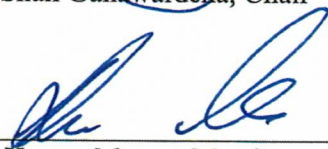

Malak Heiny, City Attorney

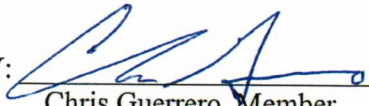
Approval of Resolution #113-8-25-26-3 for the Warranty Deed between the City of Fort Wayne and Orchard on Wallen LLC for Fee Simple Right of Way along West Wallen Rd.

BOARD OF PUBLIC WORKS

Date: 8.25.26

BY: 
Shan Gunawardena, Chair

BY: 
Kumar Menon, Member

BY: 
Chris Guerrero, Member

ATTEST: 
Michelle Fulk-Vondran, Clerk

WARRANTY DEED
(Fee Simple Right of Way)

Form-WDD
10/2025

THIS INDENTURE WITNESSETH, That Orchard on Wallen LLC an Indiana Limited Liability Company, Grantor(s) of Marion County, State of Indiana Convey(s) and Warrant(s) to the **CITY OF FORT WAYNE, INDIANA, A MUNICIPAL CORPORATION**, Grantee, its successors and assigns, for and in consideration of the sum of ONE Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, certain real estate situated in the County of Allen, State of Indiana, and being more particularly described in the legal description(s) attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B", both of which exhibits are incorporated herein by reference (the "Real Estate").

Parcel Number: 02-07-04-484-001.000-073

This conveyance is subject to any and all easements, conditions and restrictions of record and all matters set forth in the "ALTA Commitment for Title Insurance" issued by Miller Land Surveying, Inc., Commitment No. 27027293, dated March 22, 2024, for the Real Estate.

Being a portion of the real estate which, by deed of Conveyance dated October 29, 2024, as Document No. 2024052668 in the Office of the Recorder of Allen County, Indiana, was conveyed to Grantor from Tanner's Ridge, LLC.

Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and for right of way purposes, and that no reversionary rights whatsoever shall remain with Grantor(s), or any successors in title to the abutting lands of Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon Grantor(s) and all successors and assigns.

Grantor(s) assume(s) and agree(s) to pay the 20 payable 20 real estate taxes and assessments on the above described Real Estate.

Interests in land acquired by and taxes
mailed to the City of Fort Wayne
Grantee mailing address:
200 E. Berry Street, Rm. 210
Fort Wayne, IN 46802
I.C. 8-23-7-31

Grantor(s) covenant(s) that Grantor(s) agrees to warrant and defend to Grantee, its successors and assigns, the Real Estate and all singular rights and appurtenances thereto, belonging to Grantee against the lawful claims and demands of all persons claiming by, through or under Grantor(s).

IN WITNESS WHEREOF, the said Grantor(s) has executed this instrument

this 10th day of April, 2024.

Orchard on Wallen LLC, an Indiana Limited Liability Company

Signature

(Seal)

Signature

(Seal)

Jake Rupp, Vice President of Development

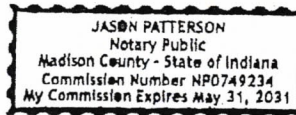
Printed Name

Printed Name

STATE OF: IN:

COUNTY OF Madison:

SS:



Before me, a Notary Public in and for said State and County, personally appeared Jake Rupp, Vice President of Development of Orchard on Wallen LLC, an Indiana Limited Liability Company, the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be their voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 10th day of August, 2024.

Signature

Printed Name

Jason Patterson

My Commission Number

NP0749234

My Commission expires

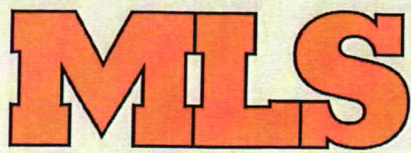
May 31, 2031

I am a resident of

Madison

County.

This instrument prepared by, and I affirm under the penalties for perjury that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Malak B. Heiny, City Attorney, City of Fort Wayne Law Department, 200 E Berry St, FW IN 46802, Attorney Number: 28862.49



MILLER LAND SURVEYING

Brett R. Miller, PS, President
Robert J. Marucci, PS
Benjamin P. Johnson, PS

Precision and Professionalism is where we draw the line.

Exhibit "A"

Page 1 of 2

Right-of-Way Easement Description 0.455 Acres

Part of the Southeast Quarter of Section 4, in Township 31 North, Range 12 East and part of the Southwest Quarters of Section 3, in Township 31 North, Range 12 East of the Second Principal Meridian, Washington Township in Allen County, Indiana, and being more particularly described as follows:

BEGINNING at a Harrison Monument marking the Southeast Corner of said Southeast Quarter; thence South 89 degrees 26 minutes 11 second West, a distance of 117.01 feet (Deed) along the South line of said Southeast Quarter and within the right-of-way of West Wallen Road to a West line of an existing 39.385 acre tract as described in Document Number 2024052668 in the Office of the Recorder of Allen County, Indiana; thence North 01 degrees 18 minutes 42 seconds West, a distance of 52.00 feet along said West line; thence North 89 degrees 26 degrees 11 seconds East, a distance of 117.28 feet parallel with said South line; thence North 89 degrees 06 minutes 29 seconds East, a distance of 265.03 feet parallel with the South line of said Southwest Quarter to an East line of said 39.385 acre tract; thence South 00 degrees 33 minutes 17 seconds West, a distance of 52.02 feet along said East line to said South line; thence South 89 degrees 06 minutes 29 seconds West, a distance of 263.61 feet (Deed) along said South line and within said right-of-way to the Point of Beginning. Containing 0.455 acres, more or less. Subject to the right-of-way of West Wallen Road and easements of record.

Survey Job #23016778
Date: June 29, 2026
For: Orchard on Wallen, LLC
Miller Land Surveying, Inc.

Corporate Office

221 Tower Drive – Monroe, IN 46772
260-692-6166

Fort Wayne Office

10060 Bent Creek Blvd – Fort Wayne, IN 46825
260-489-8571

Corporate Office
221 Tower Drive
Monroe, IN 46772
(260) 692-6166



MILLER LAND SURVEYING

Precision and Professionalism is where we draw the line.

Brett R. Miller, PS No.LS20300059

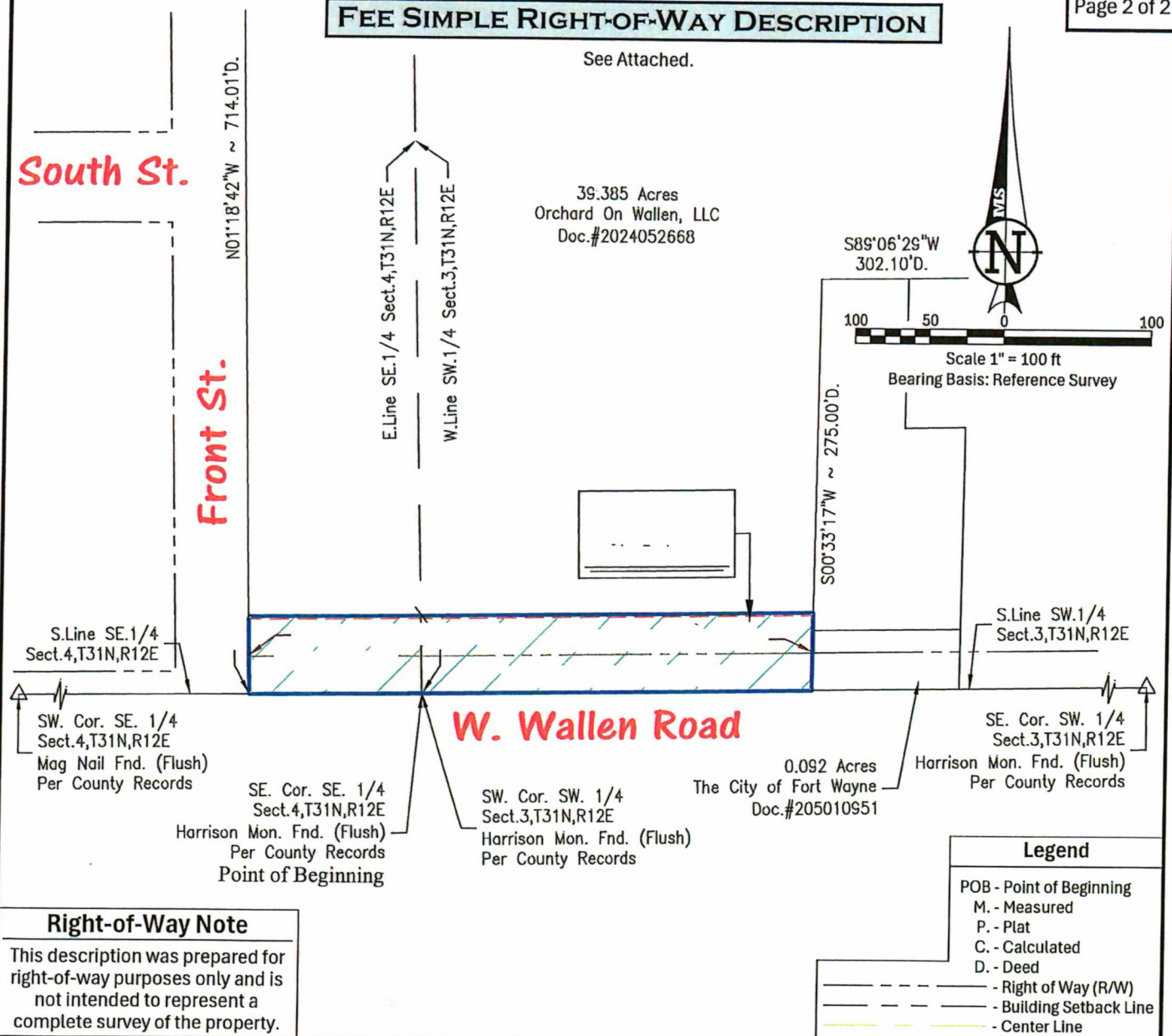
Robert J. Marucci, PS No.LS20400028

Benjamin P. Johnson, PS No.LS22500003

Fort Wayne Office
10060 Bent Creek Blvd.
Fort Wayne, IN 46825
(260) 489-8571

Exhibit "B" - Right-of-Way Parcel Plat

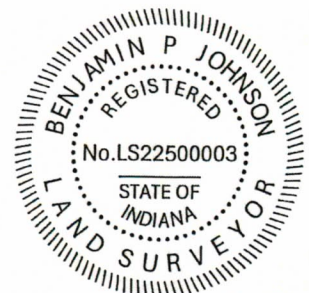
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Survey No. 24027293 Drawn by: JRM
County: Allen Township: Washington Sect/Twp/Rng: Sect.3,T31N,R12E
For: Orchard On Wallen, LLC

IN WITNESS WHEREOF, I hereunto place my hand and
seal this 5th day of August, 2026.
Revised:

Benjamin P. Johnson, P.S. NO. 22500003



(Drawing Name:24027293.easements.3.dwg)



DIGEST SHEET

Department: Public Works – City Engineering

Resolution Number: 113-8-25-26-3

Title of Ordinance: Warranty Deed with Orchard on Wallen LLC for Fee Simple Right of Way along West Wallen Rd

Amount of Contract: N/A

Description of Project (Be Specific): N/A

What Are The Implications If Not Approved: Loss of needed Right of Way

If Prior Approval Is Being Requested, Justify:

Additional Comments:

BILL NO. R-26-09-06

REPORT OF COMMITTEE ON PUBLIC WORKS

September 15, 2026

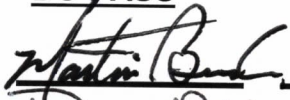
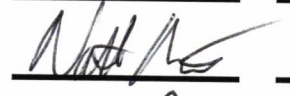
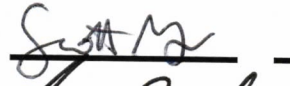
Paul Ensley Chair

Michelle Chambers Co-Chair

All Council Members

A Resolution of the Common Council of the City of Fort Wayne, Indiana, approving Warranty Deed with Orchard on Wallen LLC for fee simple right-of-way along West Wallen Rd

COMMITTEE ON PUBLIC WORKS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>BENDER</u>			
<u>BOOKER</u>			
<u>CHAMBERS</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HARTMAN</u>			
<u>JEHL</u>			
<u>MYERS</u>			
<u>PADDOCK</u>			

**JOHN D. MCGAULEY
CITY CLERK**



Public Hearing Date: N/A

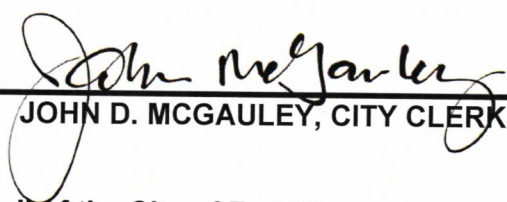
Read the first time in full and on motion by Councilperson Ensley.

Read the second time by title and referred to the Public Works 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>
BENDER	☒	☐	☐	☐
BOOKER	☒	☐	☐	☐
CHAMBERS	☒	☐	☐	☐
ENSLEY	☒	☐	☐	☐
FREISTROFFER	☒	☐	☐	☐
HARTMAN	☒	☐	☐	☐
JEHL	☒	☐	☐	☐
MYERS	☒	☐	☐	☐
PADDOCK	☒	☐	☐	☐

DATED: September 22, 2026

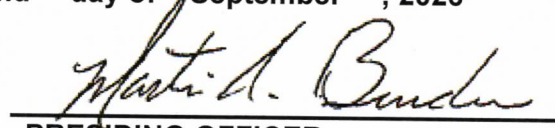

JOHN D. MCGAULEY, CITY CLERK

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

Resolution No. R-26-09-06 on the 22nd day of September, 2026

ATTEST:

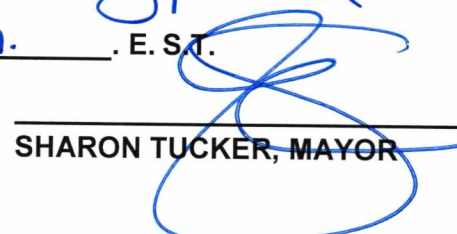

JOHN D. MCGAULEY
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd of September 2026, at the hour of 1:10 o'clock P.M. E.S.T.


JOHN D. MCGAULEY, DEPUTY CITY CLERK

Approved and signed by me this 23rd day of September 2026, at the hour of 3:59 o'clock p.m. E.S.T.


SHARON TUCKER, MAYOR

Fort Wayne Indiana
Office of the City Clerk

SEP 23 2026

RECEIVED