

Board of Park Commissioners Project Summary

Spy Run Creek Dam Removal Memorandum of Understanding

Project Approval Request

Scope of Work:

This request is for approval of a temporary construction easement within Lawton Park to accommodate the removal of a low-head dam in Spy Run Creek.

Board Approval/Summary:

Park staff has evaluated the attached Memorandum of Understanding (MOU), including a temporary construction easement request, drafted by the Division of City Utilities and between City Utilities and Fort Wayne Parks and Recreation. We believe this easement and the associated work is necessary, appropriate, and best serves the needs of the public for improved connectivity, improved fish passage and habitat, increased recreational opportunity, and improved public safety.

Fort Wayne Parks and Recreation will not be responsible for any funding associated with this easement, nor will be require payment for the proposed easement.

The MOU defines responsibilities for both parties and includes a legal description describing the easement and a graphic describing the easement extent.

The Fort Wayne Parks and Recreation and the Board of Park Commissioners, met to host their regularly scheduled monthly Board meeting on **November 14th, 2024**, to approve the above-referenced project and MOU as described in the attachments.

We the Board of Park Commissioners, on the date stated, do ATTEST and sign to the above-referenced and attached document, and approve as presented.

Justin Shurley, President

Cory Miller Vice President

Rick Briley, Commissioner

Jenna Jauch, Commissioner

Steve McDaniel, Director/Secretary

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE DIVISION OF CITY UTILITIES AND
THE PARKS AND RECREATION DEPARTMENT
CITY OF FORT WAYNE, INDIANA**

This Memorandum of Understanding (MOU) is made and entered into this _____ day of _____, 2024, by and between the Division of City Utilities by and through its Board of Stormwater Management and the Parks and Recreation Department by and through its Board of Park Commissioners regarding the removal of the Spy Run Creek Dam in Lawton Park. This agreement is to remain in effect for a period of 12 months from execution.

WHEREAS, the Board of Public Works and the Board of Park Commissioners agree that the removal of the Spy Run Creel low-head dam is a beneficial project; and,

WHEREAS, the Division of City Utilities has secured grants and other funding for the removal of the dam.

NOW THEREFORE, the Board of Public Works and the Board of Park Commissioners for the City of Fort Wayne do hereby resolve the following agreements and understandings with respect to the potential removal of the Spy Run Creek Dam in Lawton Park.

Division of City Utilities Obligations:

- City Utilities will provide funding for the removal of the dam and design costs for removal and full restoration.
- City Utilities will coordinate design and engineering with City of Fort Wayne Parks and Recreation landscape architect.
- City Utilities will secure all necessary permits to successfully complete the project.

Parks and Recreation Department Obligations:

- Parks and Recreation Department will provide access to the site as described in Exhibit A and illustrated in Exhibit B.
- Parks and Recreation Department will provide any existing drawings for the project area.
- Parks and Recreation Department will provide personnel to coordinate on design and engineering for the removal of the dam and full restoration.

BOARD OF STORMWATER MANAGEMENT

BY: _____
Matthew A. Wirtz, Chair

BY: _____
Shan Gunawardena, Member

BY: _____
Chris Guerrero, Member

ATTEST: _____
Michelle Fulk-Vondran, Clerk

DATE: _____

BOARD OF PARK COMMISSIONERS

BY: _____
Justin Shurley, President

BY: _____
Cory Miller, Vice President

BY: _____
Richard Briley, Commissioner

BY: _____
Jenna Jauch, Commissioner

BY: _____
Steve McDaniel, Director/Board Secretary

DATE: _____

Spy Run Creek Dam Removal Project

Legal Description for Temporary Construction Access/Easement

W.O. 83947

Date: 10-9-24 MLG

Commencing at the intersection point of the centerline of the Lawton Park pedestrian bridge over Spy Run Creek and the west headwall of said bridge; thence west along the westerly extension of the centerline of said pedestrian bridge a distance of 100 feet to the westerly edge of the 24-foot wide asphalt park road to the Point of Beginning; thence northwesterly along the westerly edge of said park road a distance of 70 feet; thence easterly on a line 60 feet north of and parallel to the centerline of said bridge an approximate distance of 135 feet to the easterly bank of Spy Run Creek; thence southeasterly along said easterly bank an approximate distance of 75 feet to the centerline of the east headwall of said pedestrian bridge; thence southerly along the meanderings of the east bank of Spy Run Creek to a point 180 feet downstream of the centerline of said bridge; thence westerly along a line 180 feet south of and parallel to said centerline of bridge an approximate distance of 190 feet to the west edge of said asphalt park road; thence northerly along said west edge of park road a distance of 50 feet to the easterly extension of the south edge line of an existing parking lot; thence west along said south parking lot edge a distance of 225 feet to the west edge of said parking lot; thence north along the west edge of said parking lot a distance of 70 feet to the north edge of the parking lot; thence east along the line of said north edge of parking lot a distance of 190 feet to the west edge of said asphalt park road; thence northwesterly along said west edge of park road a distance of 67 feet to the Point of Beginning.

Fourth St.

10-9-24

