

COMMITTEE SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

MAY 27, 2008

5:30 P.M. **COMMITTEE SESSION**
COMMON COUNCIL
CONFERENCE ROOM 128

5:30 P.M. **LEGAL PUBLIC HEARING**
COMMON COUNCIL
CONFERENCE ROOM 128

PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE COMMITTEE
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH G. BONAHOOM
COUNCIL ATTORNEY

BENDER_____, BROWN_____, DIDIER_____,
GOLDNER_____, HARPER_____, HINES_____,
PAPE_____, SHOAFF_____, SMITH_____

ORDER OF THE AGENDA

1. ROLL CALL

2. LEGAL PUBLIC HEARINGS – PAGES 3 AND 4

3. PRIOR APPROVAL REQUEST – PAGE 5

**4. DISCUSSION OF PENDING
ORDINANCES AND RESOLUTIONS – PAGES 6 THRU 8**

LEGAL PUBLIC HEARINGS

5:30 P.M.

FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

R-08-05-09

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2710 American Way, Fort Wayne, Indiana 46809 (Quadrant Engineering Plastic Products)

Total cost of \$1,725,099 – they will construct a 2,400 square foot Addition and also purchase new equipment – 110 full-time jobs Will be retained

R-08-05-11

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 101 05 Auburn Park Drive, Fort Wayne, Indiana 46825 (DeBrand Fine Chocolates)

Total cost of \$155,000 – they will purchase new manufacturing and Logistical distribution equipment – 22 full-time and 11 part-time Jobs will be retained

REGULATIONS COMMITTEE

*Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members*

G-08-05-07

AN ORDINANCE for the purpose of vacating a portion of a dedicated utility easement – Councilmanic District #3

The north 10 feet of the easement on Lot 117 will be vacated and property owner will be able to build a private swimming pool

PRIOR APPROVAL REQUEST

PUBLIC WORKS COMMITTEE

Glynn A. Hines - Chair
Liz Brown - Co-Chair
All Council Members

“PRIOR APPROVAL REQUEST” Improvement Resolution --- Ardmore Avenue & Taylor Street Improvements – contract was awarded to Brooks Construction in the amount of \$1,255,337.50

**ORDINANCES AND RESOLUTIONS UP FOR
DISCUSSION**

FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

R-08-05-09

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2710 American Way, Fort Wayne, Indiana 46809 (Quadrant Engineering Plastic Products)

Total cost of \$1,725,099 – They will construct a 2,400 square Foot addition as well as purchase new equipment . 110

full-

Time jobs will be retained

R-08-05-11

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I. C. 6-1.1-12.1 for property commonly known as 10105 Auburn Park Drive, Fort Wayne, Indiana 46825 (DeBrand Fine Chocolates)

Total cost of \$155,000 – They will purchase new equipment – 22 full-time and 11 part-time jobs will be retained

R-08-05-18

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly Known as 1211 Progress Road, Fort Wayne, Indiana 46808 (Calico Precision Molding, LLC)

Total cost of \$332,595

This Resolution is to be introduced and voted upon for passage tonight at the Regular Session

FINANCE COMMITTEE

CONTINUED

ACTION

R-08-05-27

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7972 West Jefferson Boulevard, Fort Wayne, Indiana 46804 (Sri Sai, PC c/p Dr. Anuradha Kollipara)

Total cost of \$750,000

This Resolution is to be introduced and voted

Upon for passage tonight at the Regular Session

R-08-05-25

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1150 South Harrison Street, Fort Wayne, Indiana 46802 (FW Convention, LLC)

Total cost of \$23,780,000

This Resolution is to be introduced and voted upon for passage tonight at the Regular Session

REGULATIONS COMMITTEE

Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members

G-08-04-15

AN ORDINANCE enacting and adopting a Merit System for the City of Fort Wayne Fire Department

REGULATIONS COMMITTEE CONTINUED

ACTION

G-08-05-07

AN ORDINANCE for the purpose of vacating a portion of a dedicated utility easement – Councilmanic District #3

The north 10 feet of the easement on Lot 117 Hearthstone Village will be vacated and the property owner will be able to Build a private swimming pool

PUBLIC WORKS COMMITTEE

***Glynn A. Hines - Chair
Liz Brown - Co-Chair
All Council Members***

No Ordinances or Resolutions up for discussion

CITY UTILITIES COMMITTEE

***John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members***

No Ordinances or Resolutions up for discussion

REGULAR SESSION

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AGENDA

FORT WAYNE COMMON COUNCIL

MAY 27, 2008

.....

REGULAR SESSION
IMMEDIATELY FOLLOWING COMMITTEE SESSION
COMMON COUNCIL CHAMBERS ROOM 126

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PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE REGULAR
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH H. BONAHOOM
COUNCIL ATTORNEY

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BENDER_____, BROWN_____, DIDIER_____,
GOLDNER_____, HARPER_____, HINES_____,
PAPE_____, SHOAFF_____, SMITH_____,

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ORDER OF THE AGENDA

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PRESENTATION OF NATIONAL COLORS

SERGEANT-AT-ARMS

ROLL CALL

SANDRA E. KENNEDY
CITY CLERK

PRESIDENT’S REPORT AND COMMENTS

THOMAS F. DIDIER
PRESIDENT

INTRODUCTION OF ORDINANCES AND RESOLUTIONS – PAGES 3 THRU 6

PASSAGE OF ORDINANCES AND RESOLUTIONS – PAGES 7 THRU 12

MISCELLANEOUS BUSINESS

CHAIR OPEN FOR COMMENTS – FROM CITIZENS AND COUNCIL MEMBERS

RETIREMENT OF COLORS

ADJOURNMENT

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION**

FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

R-08-05-18

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1211 Progress Road, Fort Wayne, Indiana 46808 (Calico Precision Molding, LLC)

Total cost of \$332,595

TO BE PASSED THIS EVENING

R-08-05-19

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1211 Progress Road, Fort Wayne, Indiana 46808 (Calico Precision Molding, LLC)

Total cost of \$332,595

PUBLIC HEARING - 6-10-08 - 5:30 P.M.

R-08-05-27

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7972 West Jefferson Boulevard, Fort Wayne, Indiana 46804 (Sri Sai, PC c/o Dr. Anuradha Kollipara)

Total Cost of \$750,000

TO BE PASSED THIS EVENING

FINANCE COMMITTEE CONTINUED

ACTION

R-08-05-28

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7972 West Jefferson Boulevard, Fort Wayne, Indiana 46804 (Sri Sai, PC c/o Dr. Anuradha Kollipara)

Total cost of \$750,000

PUBLIC HEARING 6-10-08 -- 5:30 P.M.

R-08-05-25

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1150 South Harrison Street, Fort Wayne, Indiana 46802 (FW Convention, LLC)

Total cost of \$23,780,000

TO BE PASSED THIS EVENING

R-08-05-26

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1150 South Harrison Street, Fort Wayne, Indiana 46802 (FW Convention, LLC)

Total cost of \$23,780,000

PUBLIC HEARING 6-10-08 - 5:30 P.M.

REGULATIONS COMMITTEE

Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members

ACTION

G-08-05-24

AN ORDINANCE repealing and replacing Chapter 151 “Historic Preservation and Protection Districts” of the Code of Ordinances of the City of Fort Wayne, Indiana

G-08-05-20

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive (“Master”) Plan by vacating public right-of-way – Councilmanic District #5

The revitalization of the Rialto Theatre will create a need For off-street parking

PUBLIC HEARING – 6-10-08 -- 5:30 P.M.

G-08-05-30

AN ORDINANCE amending Title VII – Traffic Violations, Chapter 73 “Buses and Trucks; Loads” of the Municipal Code of Ordinances

G-08-05-29

AN ORDINANCE amending Chapter 37, Finance and Revenue of the Fort Wayne Municipal Code of Ordinances that establishes preferences for Indiana Business for the purchases of goods and services by the City of Fort Wayne, Indiana as allowed under I.C. 5-22-15 et seq.

PUBLIC WORKS COMMITTEE

*Glynn A. Hines - Chair
Liz Brown - Co-Chair
All Council Members*

ACTION

S-08-05-21

AN ORDINANCE approving construction contract #7111-2007, South Anthony Boulevard: Fairfax to Capitol between Wayne Asphalt and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$457,253

S-08-05-22

AN ORDINANCE approving construction contract #7179-2008, Resurfacing Package B-2008 between E&B Paving and the City of Fort Wayne, Indiana in connection with the Board of Public Works

Total cost of \$944,866

S-08-05-23

AN ORDINANCE approving construction contract #7180-2008, Resurfacing Package A-2008 between E&B Paving and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$910,922

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

**ORDINANCES AND RESOLUTIONS
UP FOR PASSAGE**

FINANCE COMMITTEE

*Mitch Harper - Chair
Thomas E. Smith - Co-Chair
All Council Members*

ACTION

R-08-05-09

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” property 2710 American Way (Quadrant Engineering Plastic Products)

Total cost of \$1,725, 099 – 110 full-time jobs will be retained

R-08-05-11

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” property 10105 Auburn Park Drive (DeBrand Fine Chocolates)

Total cost of \$155,000 – 22 full-time and 11 part-time jobs Will be retained

R-08-05-18

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property 1211 Progress Road (Calico Precision Molding, LLC)

Total cost of \$332,595

R-08-05-27

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property 7972 West Jefferson Boulevard (Sri Sai, c/o Dr. Anuradha Kollipara

Total cost of \$750,000

FINANCE COMMITTEE

CONTINUED

ACTION

R-08-05-25

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property 1150 South Harrison Street, FW Convention, LLC)

Total cost of \$23,780,000

DO PASS S-08-05-12

AN ORDINANCE approving – Foellinger-Freimann Botanical Conservatory Phase II Mechanical Renovation Project for the Parks and Recreation Department

Total cost of \$888,870

DO PASS S-08-05-14

AN ORDINANCE approving – purchase of 40 DVD Digital in Car Video Cameras for the Fort Wayne Police Department

Total cost of \$233,480

DO PASS S-08-05-15

AN ORDINANCE approving – purchase of 120 Mobile Tactical Computers for the Fort Wayne Police Department

Total cost of \$653,280

DO PASS R-08-05-16

RESOLUTION approving \$1,200,000 of Cedit Funds for restoration and stabilization of the existing sandstone veneer and replacement of the HVAC System for the History Center Building

Total cost of \$1,200,000

DO PASS S-08-05-17

AN ORDINANCE approving – purchase of Aircard Service for the Fort Wayne Police Department

Total cost of \$170,525

REGULATIONS COMMITTEE

Tim Pape - Chair
Marty Bender - Co-Chair
All Council Members

G-08-04-15

AN ORDINANCE enacting and adopting a Merit System for the City of Fort Wayne Fire Department

G-07-06-40

AN ORDINANCE enacting and adopting a Merit System for the City of Fort Wayne Fire Department

TO BE WITHDRAWN

G-08-05-07

AN ORDINANCE for the purpose of vacating a portion of a dedicated utility easement – Councilmanic District #3

The north 10 feet of the easement will be vacated and the Property owner will be able to build a private swimming pool

DO PASS R-08-05-01

A RESOLUTION approving credit for past service with another Indiana Political Subdivision for various employees within the Communications Department

Eric A. Veatch and David C. Walda, Jr.

DO PASS Z-08-04-03

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-58 (Sec. 3 of Washington Township) – Councilmanic District #3

1611 West Dupont Road

REGULATIONS COMMITTEE CONTINUED

ACTION

DO PASS Z-08-04-04
**AN ORDINANCE amending the City of Fort Wayne Zoning Map
No. AA-02 (Sec. 11 of Aboite Township) – Councilmanic District
#4**
9409 Illinois Road

DO PASS G-07-09-20
**AN ORDINANCE amending the Code of The City of Fort Wayne,
Indiana**
Around the Square Sub-Area Plan

DO PASS G-07-10-13
**AN ORDINANCE amending the Thoroughfare Plan of the City
Comprehensive (“Master”) Plan by vacating public right-of-way
Councilmanic District #5**
**An East/West Alley lying between Lots 1,2,3,4,5 & 6 in
Jefferson Park Addition**

PUBLIC WORKS COMMITTEE

*Glynn A. Hines - Chair
Liz Brown - Co-Chair
All Council Members*

ACTION

DO PASS S-08-05-13

**AN ORDINANCE approving construction contract for Public Sidewalk
Curb Ramp Package – Board of Public Works
Total cost of \$116,378.25**

CITY UTILITIES COMMITTEE

*John Shoaff - Chair
Karen Goldner - Co-Chair
All Council Members*

DO PASS S-08-05-02

**AN ORDINANCE approving contract General Cipp – Board of
Public Works
Total cost of \$1,656,833.35**

DO PASS S-08-05-03

**AN ORDINANCE approving the need for professional
engineering and planning services for the Water Pollution
Control Plant's CSO Treatment – Board of Public Works
Total cost of \$398,460**

DO NOT PASS S-08-05-04

**AN ORDINANCE certifying and approving the need for a
consultant to develop the Fort Wayne Infrastructure Initiative:
Rain Garden Program**

CITY UTILITIES COMMITTEE CONTINUED

ACTION

DO PASS S-08-05-05

**AN ORDINANCE approving – annual requirements for sewer construction material for 2008 for the Water Pollution Control Maintenance Department
Total cost of \$153,000**

**PREPARED BY THE OFFICE
OF THE CITY CLERK**

**SANDRA E. KENNEDY
CITY CLERK**

#1138

BILL NO. G-08-05-20

Deed Book: 55

Page No: 344

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating public right-of-way.

WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and approved said petition, as provided in I.C. 36-7-3-12.

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

SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

A north-south alley between Lots 1, 2, 3, and 4 of the Williams Addition to Mechanicsburg, bounded by Woodland Street and Pontiac Street, all in the City of Fort Wayne, Wayne Township, Allen County, IN

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

COUNCIL MEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE REPEALING AND REPLACING CHAPTER 151 "HISTORIC PRESERVATION AND PROTECTION DISTRICTS" OF THE CODE OF ORDINANCES OF THE CITY OF FORT WAYNE, INDIANA.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA:

SECTION 1. Chapter 151 entitled "Historic Preservation and Protection Districts" of the Code of Ordinances of the City of Fort Wayne, Indiana, is hereby repealed and replaced as follows:

CHAPTER 151: HISTORIC PRESERVATION AND PROTECTION DISTRICTS GENERAL PROVISIONS

Table listing sections 151.010 through 151.053 with corresponding page numbers, including categories like PURPOSE, DEFINITIONS, HISTORIC PRESERVATION COMMISSION, DISTRICT STANDARDS, DEMOLITION AND PUBLIC SAFETY, and ADMINISTRATION AND ENFORCEMENT.

151.010 PURPOSE

The purpose of historic preservation and protection is to promote the educational, cultural, economic, and general welfare of the citizens of Fort Wayne; to insure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents; to ensure the viability of the traditional Downtown area and to enhance tourism within the City of Fort Wayne; it is deemed essential by the City of Fort Wayne that qualities relating to its history and the harmonious outward appearance of its properties be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the City of Fort Wayne through this ordinance to preserve and protect historic and architecturally worthy buildings, structures, sites, monuments, streetscapes, landscapes and neighborhoods which impart a distinct aesthetic quality to the City and serve as visible reminders of its historic heritage.

151.011 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning. Words in the present tense include the future tense. The singular number includes the plural, and the plural, the singular. The word "shall" is always mandatory. The word "person" includes a firm, a partnership, a limited liability company, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

Accessory Building. A building that is located on the same property as the primary building but that is clearly subordinate to and serving the primary building or use.

Addition. New construction added to an existing building or structure.

Alteration. A material or color change of the external architectural features of any building, structure, or site within a local historic district.

Appurtenance. Any accessory or subordinate building, object, or structure located on the grounds of a historic building or in a local historic district.

Building. A structure having a roof supported by columns or walls designed, built or used for the enclosure, shelter or protection of people, animals, or property.

City. The City of Fort Wayne, Indiana.

Certificate of Appropriateness. A certificate issued by staff of the Historic Preservation Commission stating that any proposed exterior change to a locally designated property complies with the provisions of this ordinance and has been approved by the Commission.

Character. The qualities or attributes of any building, structure, site, object, street, landscape or district.

Classifications. Local historic district properties shall be classified in one of the following categories upon designation by the Commission.

- (1) *Outstanding "O"*. The "O" classification means that the property has sufficient historic or architectural significance that is listed, or is eligible for individual listing, in the National Register of Historic Places. Outstanding resources can be of local, state, or national importance.
- (2) *Notable "N"*. A classification of "N" means that the property does not merit the outstanding rating, but it is still above average in its importance. A notable property may be eligible for the National Register.

- (3) *Contributing "C"*. A "C" classification means the property is at least 40 years old, but does not meet the criteria for an "O" or "N" classification. Such resources are important to the density or continuity of the area's historic fabric. Contributing properties can be listed in the National Register only as part of a multi-property historic district.
- (4) *Non-Contributing "NC"*. Property classified as "NC" is not included in an inventory unless it is located within the boundaries of a multi-property historic district. Such properties may be less than 50 years old, or they may be older properties that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for listing in the National Register.

Commission. City of Fort Wayne Historic Preservation Commission.

Conservation District. A designation that focuses on maintaining those basic features that give an area an identifiable character but does not focus on specific details. Conservation districts can be used to protect neighborhoods or districts that have a distinct architectural or historic character but may not qualify for local historic district status due to loss of integrity or incompatible new development. Conservation of existing identifiable character is achieved by regulating new construction, additions to existing buildings, and demolition.

Conspicuous. Obvious or visible.

Demolition. The complete or substantial removal of any building, structure, or site.

Integrity. The authenticity of a property's historic identity evidenced by the survival of physical characteristics.

Interested Party. Means one of the following:

- (1) The Mayor of the City of Fort Wayne.
- (2) The City of Fort Wayne Common Council.
- (3) The Fort Wayne City Plan Commission.
- (4) A neighborhood association officially recognized by the City, whether incorporated or unincorporated, a majority of whose members are residents of a local historic district designated by an ordinance adopted under this title.
- (5) An owner or occupant of property located in a local historic district established by an ordinance adopted under this title.
- (6) Historic Landmarks Foundation of Indiana, Inc., or any of its successors.
- (7) ARCH, Inc., or any of its successors.
- (8) The State historic preservation officer designated under I.C. 14-3-3.4-10.
- (9) City of Fort Wayne Division of Community Development.
- (10) City of Fort Wayne Neighborhood Code Enforcement.

Interim Protection. A temporary protection given to a property that prevents demolition or other exterior change, while said property is being considered for local historic designation.

Landscape. The totality of the built or human-influenced habitat experienced in one place. Dominant features are topography, plant cover, buildings, or other structures and their patterns.

Local Historic District. A single building, structure, object, landscape, or site or a concentration of buildings, structures, objects, landscapes, or sites, the

boundaries of which are described or delineated on a map approved in an ordinance adopted under this title.

Major Maintenance. Work that involves a conspicuous exterior change for which a Certificate of Appropriateness is required.

Object. A material thing of functional, aesthetic, cultural, or historical value that may be, by nature or design, moveable, yet related to a specific setting or environment.

Preservation Guidelines. Criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated local historic district during the process of major maintenance, rehabilitation or new construction.

Primary Area. The principal area of historic and / or architectural significance within a local historic district.

Primary Building. The main or principal building on a property.

Property. A piece of real estate that includes the land and any buildings, structures, objects, and plantings situated upon the land.

Public Way. A highway, street, avenue, boulevard, esplanade, court, road, lane, alley, sidewalk, or other easement which is open to the general public.

Public View. Area of visibility from a public way.

Reconstruction. The act or process of reassembling, reproducing, or replacing by new construction, the form, detail, and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, by the replacement of missing earlier work, or by reuse of the original materials.

Routine Maintenance. Common or ordinary work which involves an inconspicuous exterior change for which no certificate of appropriateness is required.

Secondary Area. An area that is adjacent to a primary area of a local historic district and which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent, primary area.

Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or architectural value regardless of the value of any existing structure.

Staff. Staff of the City of Fort Wayne Planning Department.

Streetscape. Appearance along a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of the street furniture (e. g., street lights, trash receptacles, benches, etc.) use of plant materials such as trees and shrubs, and the setback, mass, and proportion of those buildings which enclose the street.

Structure. A non-moveable work made up of interdependent and interrelated parts and a definite pattern of organization.

Temporary. A span of time not exceeding six (6) months.

Viewshed. An area of land, water, or other environmental elements that is visible from a fixed vantage point. Viewsheds tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change.

Visual Compatibility. Those elements of design that meet the guidelines set out in Section 151.036 of this title.

Zoning District. Delineated areas within the planning jurisdiction of the City, as shown on the zoning maps for the City, to which the regulations of the City Zoning, Sign, and Subdivision Control Ordinances apply.

HISTORIC PRESERVATION COMMISSION

151.020 ESTABLISHMENT AND ORGANIZATION

(A) **Creation.** There is hereby established the Historic Preservation Commission of the City of Fort Wayne, Indiana (hereinafter referred to as the "Commission") subject to and in accordance with the provisions of IC 36-7-11-4.

(B) **Composition.** The Commission shall consist of seven (7) voting members. The voting members shall be appointed by the Mayor and shall be residents of the City who are interested in the preservation and development of historic areas. The members of the Commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. Nonvoting, advisory member(s) may be appointed to the Commission by the Mayor. Commission members shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

(C) **Term.** Voting members shall serve for a term of three (3) years; however, the initial terms of members shall be for one (1) year, two (2) years, and three (3) years in order for the terms to be staggered. The term for nonvoting, advisory members shall be for one (1) year. A vacancy shall be filled within ninety (90) days for the duration of the term.

(D) Administrator. The City of Fort Wayne Planning Department shall designate a planner to serve as the Administrator of the Commission. The Administrator shall provide staff assistance to the Commission, act as secretary, and issue Certificates of Appropriateness as directed by the Commission.

(E) Officers. The commission shall elect from its membership A Chairperson, and Vice-Chairperson who shall serve for one (1) year and who may be reelected.

(F) Rules. The Commission shall adopt rules consistent with this chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(G) Meetings. Commission meetings must be open to the public in accordance with Indiana's Open Door Law and a public record shall be kept of the Commission's resolutions, proceedings, and actions. The Commission shall hold regular meetings, a least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Commission and its rules.

(H) Quorum. A quorum of four voting members of the Commission must be present at a meeting for the Commission to take action.

(I) Action. Any action of the Commission taken at a monthly meeting at which a quorum is present shall be determined by a majority of those actually voting.

(J) Legal Counsel. The attorney for the City shall be the attorney for the Commission. However, the Commission may employ other legal counsel authorized to practice law in Indiana if it considers it to be necessary or desirable.

151.021 POWERS AND DUTIES OF THE COMMISSION

(A) The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in a local historic district, which include but are not limited to viewsheds, landscapes, and

streetscapes of historic importance. The Commission may not consider details of design, interior arrangements, or building features, if those details, arrangements, or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration, or demolition in the local historic district obviously incongruous with the local historic district.

- (B) The Commission shall conduct surveys and establish local historic districts in accordance with the provisions of Section 151.030 of this title.
- (C) The Commission shall issue Certificates of Appropriateness in accordance with the provisions of Section 151.034 of this title.
- (D) The Commission may adopt preservation guidelines for architectural review. If adopted, preservation guidelines shall be published and made readily accessible to the general public.
- (E) The Commission has the authority to receive funds in order to promote its stated purpose
- (F) The Commission shall promote public interest in historic preservation by initiating and carrying on public relations and community education programs.
- (G) The Commission, through this ordinance and subject to approval by Common Council, may:
 - (1) acquire by purchase, gift, grant, bequest, devise, or lease any real or personal property, including easements, that is appropriate for carrying out the purposes of the Commission;
 - (2) hold title to real and personal property; and

- (3) sell, lease, rent, or otherwise dispose of real and personal property at a public or private sale on the terms and conditions that the Commission considers best.

- (H) The Commission shall establish procedures that the Commission must follow in acquiring and disposing of property.

DISTRICT STANDARDS

151.030 LOCAL HISTORIC DISTRICTS

- (A) All recommendations for the establishment of a local historic district shall be in the form of a written report and must be based on the criteria outlined in this section. A recommendation for establishing a local historic district may be initiated from either of the following two (2) sources:
 - (1) Based on its survey, the Commission may draw and submit local historic district maps for City Council approval.
 - (2) Owners of property in fee simple wishing to establish a local historic district which includes their property may petition the Commission to consider drawing and submitting a map or maps of said property(ies) to the City Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.

- (B) Commission preparation of local historic district maps. In order to establish a local historic district, the Commission shall first prepare a map describing the district in accordance with the following:
 - (1) The map shall be based on a survey conducted by the Commission which identifies historic buildings, structures, and sites located within the City.

(2) A district may be limited to the boundaries of a property containing a single building, structure, object, landscape, or site or may contain a concentration of buildings, structures, objects, landscapes, or sites.

(3) The map may divide the district into primary and secondary areas as follows:

(a) Primary Area. The principal area of historic and architectural significance.

(b) Secondary Area. An area adjacent to a primary area which has a visual relationship to the primary area and could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.

(C) Classifications. The Commission shall classify and designate on the map all buildings, structures, and sites within each local historic district described on the map. Buildings, structures, and sites shall be classified as historic or non-historic. Historic buildings, structures, and sites must possess identified historic or architectural merit of a degree warranting their preservation. The Commission shall further classify and designate all buildings and structures within a proposed local historic district as follows:

(1) Outstanding

(2) Notable

(3) Contributing; or

(4) Non-Contributing

(D) Criteria for designation. A local historic district shall not be established unless the proposed map includes a building, groups of buildings, structures, sites, objects,

streetscapes, landscape or neighborhoods which meet at least one of the following criteria:

- (1) Are associated with the events that have made a significant contribution to the broad patterns of our history;
- (2) Are associated with the lives of persons significant in our past;
- (3) Embody the distinctive characteristics of a type, period, or method of construction, that represent the work of a master, possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
- (4) Have yielded, or may be likely to yield, information important to prehistory or history.

(E) City Council approval of local historic districts. Before a local historic district is established and the building classifications take effect, the map setting forth the district's boundaries and building classifications must be submitted to, and approved in an ordinance by, the City Council. The procedure for doing so shall be as follows:

- (1) The Commission shall hold a public hearing to allow public comment. The public hearing may be held separately or in conjunction with the meeting where action on the district is to occur. Such hearing shall be preceded by public notice as set forth in IC 5-3-1.
- (2) Upon receiving a favorable recommendation for local historic district designation from the Commission, the map will be submitted to City Council for its approval.

(F) Recording the fact of designation. The map establishing boundaries of a local historic district shall be recorded in the Office of the Allen County Recorder.

(G) Post designation notice. All owners of property receiving local historic district designation shall be notified by mail of the designation within 60 days following approval by City Council.

(H) Location of maps. All designations shall be recorded on a map maintained in the Office of Land Use Management.

151.031 DESIGNATED HISTORIC DISTRICTS

Historic districts established under previous ordinances shall be subject to this chapter but in all other respects shall remain unchanged. All established historic districts shall be shown on the City zoning map on file in the Office of Land Use Management as noted in 151.030 (H).

151.032 CONSERVATION DISTRICTS

(A) The Commission may recommend conservation district designation for a neighborhood or area which has a distinct historic character but does not qualify for local historic district status due to loss of integrity or incompatible new development. To conserve remaining character and ensure compatibility of new construction in a conservation district, a Certificate of Appropriateness will be required for the following activities: the demolition, construction, or moving of a building, accessory building, or structure, or any addition to an existing building, accessory building, or structure subject to view from a public way.

(B) A recommendation for establishing a conservation district may be initiated from either of the following two (2) sources:

(1) Based on its survey, the Commission may draw and submit conservation district maps for City Council approval.

(2) Owners of property in fee simple wishing to establish a conservation district which includes their property may petition the Commission to consider

drawing and submitting a map or maps of said property(ies) to the City Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.

(C) Criteria for designation. All recommendations for the establishment of a conservation district shall be in the form of a written report and must be based on the criteria outlined in this section:

- (1) The area must possess unifying distinctive elements of either exterior features or built environmental characteristics that create an identifiable setting, character, or association.
- (2) The area must lack sufficient historical, architectural, or cultural significance to qualify as a local historic district. based on the criteria set forth in Section 151.030 (D).

(D) City Council approval of conservation districts. Before a conservation district is established, the map setting forth the district's boundaries must be submitted to, and approved in an ordinance by, the City Council. The procedure for doing so shall be as follows:

- (1) The Commission shall hold a public hearing to allow public comment. The public hearing may be held separately or in conjunction with the meeting where action on the district is to occur. Such hearing shall be preceded by public notice as set forth in IC 5-3-1.
- (2) Upon receiving a favorable recommendation for conservation district designation from the Commission, the map will be submitted to City Council for its approval.

(E) Recording the fact of designation. The map establishing boundaries of a conservation district shall be recorded in the Office of the Allen County Recorder.

(F) Post designation notice. All owners of property receiving conservation district designation shall be notified by mail of the designation within 60 days following approval by City Council.

(G) Location of maps. All designations shall be recorded on a map maintained in the Office of Land Use Management.

(H) Future Local Historic District Designation. Designation as a Conservation District does not preclude future designation as a local historic district provided sufficient integrity is restored to meet the criteria for local historic designation.

151.033 INTERIM PROTECTION

(A) When submitting a map to the City Council under Section 151.030 of this title, the Commission may declare one (1) or more buildings, structures, or sites that are classified and designated as historic on the map to be under interim protection.

(B) Not more than two (2) working days after declaring a building, structure, or site to be under interim protection under this section, the Commission shall, by personal delivery or first class mail, provide the owner or occupant of the building, structure or site with a written notice of the declaration. The written notice must:

- (1) Cite the authority of the Commission to put the building, structure, or site under interim protection under this section;
- (2) Explain the effect of putting the building, structure, or site under interim protection; and,
- (3) Indicate that the interim protection is temporary.

(C) A building, structure, or site put under interim protection under subsection (A) remains under interim protection until the map is approved in an ordinance or rejected by the City Council.

(D) While a building, structure, or site is under interim protection under this section:

(1) The building, structure, or site may not be demolished or moved; and,

(2) The exterior appearance of the building, structure, or site may not be conspicuously changed by:

(a) Addition;

(b) Reconstruction; or

(c) Alteration.

(E) The Commission may approve a Certificate of Appropriateness at any time during the period of interim protection, provided the proposed change meets the criteria for considering effect of actions on historic properties in section 151.034 (D) of this chapter and any proposed preservation guidelines for the building, structure, or site. However, the Certificate of Appropriateness shall have no effect, and no action may be taken pursuant thereto, unless the map including the building, structure or site is approved by the City Council.

151.034 CERTIFICATES OF APPROPRIATENESS

(A) **Certificates of Appropriateness (COA) required.** A Certificate of Appropriateness must be issued by the Commission before a permit is issued for, or work is begun on, any of the following:

(1) Within all areas of a local historic district:

- (a) The demolition of any building or structure;
 - (b) The moving of any building or structure;
 - (c) A conspicuous change in the exterior appearance of any historic building or structure, or any part of or appurtenance to such a building or structure, including walls, fences, light fixtures, steps, paving, landscaping, and signs by additions, reconstruction, alteration, or maintenance involving exterior color change; or
 - (d) Any new construction of a principal building or accessory building or structure subject to view from a public way.
 - (e) Conspicuous and visible changes within the public right-of-way.
- (2) Within a primary area of a local historic district:
- (a) A change in walls and fences, or the construction of walls and fences along public ways;
 - (b) A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change.
- (3) Within a conservation district:
- (a) The demolition of any building;
 - (b) The moving of any building; or
 - (c) Any new construction of a principal building, accessory building, or structure, or any addition to an existing building, accessory building, or structure subject to view from a public way.

(B) Application for Certificates of Appropriateness. An application for a Certificate of Appropriateness shall be made in the office of the Commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the Commission. Rules may include, but are not limited to, fees, filing deadlines and application requirements such as sketches, drawings, photographs, descriptions, or other information which the Commission requires to make a decision.

(C) Approval or denial of Certificates of Appropriateness. The Commission may approve or deny Certificates of Appropriateness for any actions covered by this title. If an application for a Certificate of Appropriateness is approved by the Commission, or is not acted on by the Commission within thirty (30) days after it is filed, a Certificate of Appropriateness shall be issued. The Commission may grant an extension of the thirty-day limit if the applicant agrees to it. The Commission must report its findings and the reasons for its decision in written form, and supply the applicant with a copy of its report. A copy of the Certificate of Appropriateness must be submitted with the application for a building, demolition, or improvement location permit; no building, demolition, or improvement location permit shall be issued unless a copy of the Certificate of Appropriateness is provided by the applicant with the application.

(D) Criteria for considering effect of actions on locally designated properties.

The Commission, in considering the appropriateness of any reconstruction, alteration, major maintenance, or moving of a historic building, structure, site or any part of or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving, and signs shall require that such work be done in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance. In considering historic and architectural character, the Commission shall consider, among other things, the following:

(1) Purposes of this title;

- (2) Historical and architectural value and significance of the building, structure, site or appurtenance;
- (3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;
- (4) The texture, material, color, style, and detailing of the building, structure, site or appurtenance;
- (5) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
- (6) The relationship of buildings, structures, appurtenances, or architectural features similar to ones within the same local historic district, including for primary areas, visual compatibility as defined in Section 151.03(6); and,
- (7) The position of the building, structure, site or appurtenance in relation to the public ~~right-of-ways~~ and to other buildings and structures.
- (8) A historic building may be relocated to another site only if it is shown that preservation on its current site is infeasible.

151.035 STAFF APPROVALS

- (A) The Commission may authorize the staff of the Commission, on behalf of the Commission, to grant or deny an application for a Certificate of Appropriateness.
- (B) The Commission shall specify by rule the types of applications for Certificates of Appropriateness that the staff of the Commission is authorized to grant or deny. The staff may not be authorized to grant or deny an application for a Certificate of Appropriateness for the following:
 - (1) The demolition of a building, structure, or site.

- (2) The moving of a building or structure.
- (3) The construction of an addition to a building or structure.
- (4) The construction of a new building or structure.

151.036 VISUAL COMPATIBILITY

(A) For new construction, contemporary design, and non-historic buildings. To

preserve and encourage the integrity of historic buildings, structures, sites, objects, streetscapes, and neighborhoods and to ensure their compatibility with any new work, the construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of any non-historic building, structure, or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with other buildings in the local historic district and with places to which it is visually related.

(B) Criteria for considering visual compatibility within historic primary areas.

Within the primary area of a local historic district, new buildings, structures, and appurtenances as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:

- (1) Height. The height of proposed buildings must be visually compatible with buildings to which it is visually related.
- (2) Proportion of building's front façade. The relationship of the width of a building to the height of the front elevation must be visually compatible with buildings to which it is visually related.

- (3) Proportion of openings within the building. The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings to which it is visually related.
- (4) Relationship of solids to voids in front facades. The relationship of solids to voids in the front facade of a building must be visually compatible with buildings to which it is visually related.
- (5) Rhythm of spacing of buildings on streets. The relationship of a building to the open space between it and adjoining buildings must be visually compatible with buildings, and places to which it is visually related.
- (6) Rhythm of entrances and porch projections. The relationship of entrances and porch projections of a building to sidewalks must be visually compatible with buildings, and places to which it is visually related.
- (7) Relationship of materials, texture, and color. The relationship of the materials, texture, and color of the facade of a building must be visually compatible with buildings, and places to which it is visually related.
- (8) Roof shapes. The roof shape of a building must be visually compatible with buildings, to which it is visually related.
- (9) Wall of continuity. Appurtenances of a building or site, such as walls, wrought iron fences, and landscape masses, and building facades, must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the building to the buildings and places to which it is visually related.
- (10) Scale of the building. The size of a building, and the mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings and places to which it is visually related.

- (11) Directional expression of front elevation. A building must be visually compatible with buildings, to which it is visually related in its directional character, including vertical character, horizontal character, or non-directional character.

DEMOLITION AND PUBLIC SAFETY

151.040 PURPOSE

The purpose of this section is to preserve historic buildings, structures, and sites that are important to the education, culture, traditions, and economic values of the City and to afford the City, historical organizations, property owners, and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.

151.041 CERTIFICATE OF APPROPRIATENESS REQUIRED

A Certificate of Appropriateness must be issued by the Commission before a demolition permit is issued by other agencies of the city and work is begun on the demolition of any building or structure in any area of a local historic district.

151.042 CRITERIA FOR DEMOLITION

Criteria for the Historic Preservation Commission to consider in the case of a proposed demolition include the following:

- (A) Effect, detrimental or not, of the demolition to the character of the local historic district;
- (B) State of deterioration, disrepair and structural stability of the building or structure;
- (C) Balance of the public interest in preserving the building, structure, site, or the integrity of the district with the interest of the owner of the building, structure, or site in the use and utilization of the property; and

(D) Possible alternatives to demolition.

**151.043 REQUIREMENTS FOR ALLOWING DEMOLITION WITHOUT A
 CERTIFICATE OF APPROPRIATENESS**

(A) If the Commission denies the issuance of a Certificate of Appropriateness for the demolition of a building, structure, or site, the building, structure, or site may be demolished, but only after establishing all of the following:

- (1) The property owner has demonstrated to the Commission that the historic building, structure, or site is incapable of earning an economic return on its value, as appraised by a licensed real estate appraiser.
- (2) The property owner shall file with the administrator documented evidence that good faith effort is being made to sell or otherwise dispose of such property at or below fair market value to any public or private person or agency which gives a reasonable assurance of its willingness to preserve and restore such property. Such documented evidence shall be provided at the property owner's expense and shall include:
 - (a) Offering price;
 - (b) Date the offer of sale is to begin;
 - (c) Name and address of listing real estate agent, if any;
 - (d) A copy of an advertisement to run in the same manner as the notice in section 151.044 below, which offers the property for sale; and
 - (e) An appraisal of the property's fair market value by a licensed real estate appraiser.

151.044 DEMOLITION NOTICE

(A) Notice of the proposed demolition must be given for a period fixed by the Commission, based on the Commission's classification of the building, structure,

or site on the approved local historic district map, but not less than sixty (60) days nor more than one (1) year. Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three (3) times before demolition, with the first publication not more than fifteen (15) days after the application for a permit to demolish is filed, and the final publication at least fifteen (15) days before the date of the permit.

(B) The Commission may approve a Certificate of Appropriateness at any time during the notice period under subsection (A). If the Certificate of Appropriateness is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

151.045 EMERGENCY DEMOLITION

(A) Nothing in this chapter shall be construed to prevent the emergency demolition of a building, structure, site or any part thereof within an local historic district when so ordered by an agency of government having jurisdiction thereof provided that the following actions occur first:

- (1) The agency having jurisdiction shall determine that a building or structure or any part thereof is immediately hazardous or dangerous to the health and safety of persons or to property;
- (2) The agency issuing such an order shall, upon issuance of the order, so notify the Commission Administrator who in turn shall notify the Commission; and
- (3) If demolition is ordered, the agency issuing such an order shall make every effort possible to secure the property or otherwise delay demolition until the Commission can act as designated in this section. Demolition so ordered may occur prior to Commission action only when an immediate hazard or danger to the health and safety of persons or property exists and no

reasonable steps can be taken to afford protection to persons or property affected.

ADMISTRATION AND ENFORCEMENT

151.050 MAINTENANCE

(A) Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent the loss of historic material and the deterioration of important character defining details and features.

(B) Ordinary repairs and maintenance. Nothing in this section shall be construed so as to prevent the ordinary repairs and routine maintenance of any building, structure, or site, provided that such repairs or routine maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof. Such work may be begun and executed without a Certificate of Appropriateness issued by the Historic Preservation Commission. The Commission shall review and act upon any case where a question exists as to whether or not a specific action is an ordinary repair or maintenance not requiring a Certificate of Appropriateness.

151.051 RELATIONSHIP WITH ZONING DISTRICTS

Zoning districts lying within the boundaries of the local historic district are subject to regulations for both the zoning district and the local historic district. If there is a conflict between the requirements of the zoning district and the requirements of the local historic district, the more restrictive requirements shall apply.

151.052 INTERESTED PARTIES

(A) An interested party as defined in Section 151.011 has a private right of legal action to enforce and prevent violation of provisions of this Ordinance or an ordinance adopted by the city under this Ordinance, and with respect to any building,

structure, or site within a local historic district or conservation district, and has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this ordinance or an ordinance adopted under this ordinance.

(B) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.

(C) The interested party bringing a legal action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.

(D) The interested party that brings a legal action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the legal action was brought without good faith or without a reasonable belief that a provision of this ordinance, or an ordinance adopted by a unit under this ordinance, had been, or was about to be violated.

(E) An interested party, or the defendant, who obtains a favorable judgment in a legal action under this section may recover reasonable attorney fees and court costs from the person against whom judgment was rendered.

(F) A legal action arising under this section must be brought in the Circuit or Superior court of the Allen County, Indiana and no change of venue from the county shall be allowed in the action.

(G) The remedy provided in this section is in addition to other remedies that may be available at law or in equity.

151.053 ENFORCEMENT, PENALTIES, AND JUDICIAL REVIEW

(A) The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or major maintenance of any locally designated historic building, structure,

site, or appurtenance which is begun, continued, or maintained contrary to any provisions of this ordinance is hereby declared to be a nuisance and in violation of this ordinance and unlawful.

(B) Stop work order.

(1) The Historic Preservation Commission, Commission Administrator, or Department of Neighborhood Code Enforcement, or Allen County Building Department shall have the authority to issue an order for work on any building, structure, site, or appurtenance to be stopped, if the work is in violation of this chapter.

(2) Such a decision to issue a stop work order may be appealed to the Historic Preservation Commission, in accordance with the provisions of this chapter and the Commission's rules.

(3) The stop work order shall remain in effect until it is removed, rescinded, or revoked by the Commission.

(4) A violation of a stop work order shall be considered a violation of this chapter.

(C) Misdemeanor violations. Any person whether as principal, agent, owner, lessee, tenant, contractor, architect, engineer or other entity who commits a violation of this chapter, may be prosecuted as set forth in this chapter in Superior Court of Allen County, Indiana Misdemeanor and Traffic Division, for such a violation. Any such violation shall be subject to a fine of up to \$2,500.00 for each offense. Each calendar day of the existence of a violation may be considered as a separate offense.

(D) Injunctive relief, abatement. The individual(s) or entities designated in this chapter may bring legal action for an injunction in the Circuit or Superior Court of Allen

County, Indiana to enjoin any person whether as principal, agent, owner, lessee, tenant, contractor, architect, engineer or other entity from violating, or continuing to violate any provision of this chapter, and/or cause the violation to be resolved, removed, or abated. Such an action may also be initiated by any property owner aggrieved by the violation.

(E) Injunctive relief, removal of structure. The individual(s) or entities designated in this chapter may bring legal action in the Circuit or Superior Court of Allen County, Indiana for a mandatory injunction requiring the removal of a building, structure, sign, fence, and/or addition/enlargement to an existing structure erected or constructed in violation of this chapter.

(F) Payment of costs. Any person whether as principal, agent, owner, lessee, tenant, contractor, architect, engineer or other entity found to be in violation of this chapter as a result of any enforcement action shall be responsible to pay all applicable attorney fees, court costs, and other costs and expenses incurred in connection with the prosecution of the enforcement action.

(G) Each day of the existence of any violation of this ordinance shall be a separate offense.

(G) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(H) Any person or party aggrieved by a decision or action taken by the Commission shall be entitled to a judicial review hereof in accordance with IC 4-21.5-5 (as may be amended).

151.054 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approvals by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. G-08-05-29

GENERAL ORDINANCE NO. G-

AN ORDINANCE AMENDING CHAPTER 37, FINANCE AND REVENUE OF THE FORT WAYNE MUNICIPAL CODE OF ORDINANCES THAT ESTABLISHES PREFERENCES FOR INDIANA BUSINESS FOR THE PURCHASES OF GOODS AND SERVICES BY THE CITY OF FORT WAYNE, INDIANA AS ALLOWED UNDER I.C. 5-22-15 *et seq.*

WHEREAS, the City of Fort Wayne is responsible to its citizens to do everything within its power to preserve and create jobs within the community; and

WHEREAS, the City of Fort Wayne is a major purchaser of goods and services in the northeast region of Indiana; and

WHEREAS, the City of Fort Wayne is geographically situated near certain neighboring states that give preferences to businesses when awarding contracts for good and services; and

WHEREAS, the City of Fort Wayne realizes significant tax and economic benefits when it purchases goods and services locally; and

WHEREAS, the Fort Wayne Common Council, as a governmental body, may establish rules for purchasing preferences through IC 5-22-15 *et seq.*; and

WHEREAS, there are regional economic development reasons as well as legitimate operational reasons for granting preference to Indiana businesses with regard to purchasing of goods and services.

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

SECTION 1. Chapter 37 of the Municipal Code of Ordinances is hereby amended to add Section 37.22 which section shall read as follows:

§ 37.22 PREFERENCE GIVEN TO INDIANA BUSINESSES BY AND THROUGH THE DEPARTMENT OF PURCHASING OF THE CITY OF FORT WAYNE, INDIANA

A. **Definitions.** This Ordinance shall be referred to as the Buy Local Ordinance, and except as specifically modified herein, the definitions as set forth in IC 5-22 *et seq.* shall be applicable hereto.

1. As used in this section an “**Indiana Business**” shall mean any of the following:
 - (a) A business whose principal place of business is located in Indiana.
 - (b) A business that pays a majority of its payroll (in dollar volume) to residents of Indiana.
 - (c) A business that employs Indiana residents as a majority of its employees.
 - (d) **A business that makes significant capital investments in Indiana.**
2. A “**Small Business**” shall be defined as a business meeting the criteria set forth in IC 5-22-14-1.
3. “**Indiana Small Business.**” In order to be considered an Indiana Small Business, a business must meet the definition of Indiana Business as set forth in Item A.1. hereunder, and Small Business as set forth in Item A.2. hereunder.

4. An “**Out-of-State Business**” refers to a business that is not an Indiana Business.
5. “**Professional Services,**” as it relates to the contracting for services, shall mean those services of a licensed architect, professional engineer, land surveyor, urban planning and design consultants/engineers, and computer/IT consultants/specialists.
6. The “**Purchasing Department**” as used in this section shall mean the person or entity which is considered to be the purchasing agent of the City of Fort Wayne.

B. Vendor Registry

1. In support of this Buy Local Program the City of Fort Wayne, Indiana shall maintain an on-line self service vendor registry. This registry shall be made available not only for vendors in the business of providing supplies and commodities but shall also be a registry for those companies in the business of providing Professional Services. It will be the local vendor’s responsibility to register and provide the necessary supporting detail to validate preference eligibility. The City of Fort Wayne purchasing staff will screen applicants to ensure compliance with this Ordinance. The registry will provide an automated means for notification to be pushed to local Vendors located in Allen County when bids or RFPs are issued. The Vendor Registry shall be fully functional, operational, and in place no later than September 1, 2008.
2. The City’s Economically Disadvantaged Business Enterprise list (EBE) will be integrated into this Vendor Registry and updated periodically by City Contract Compliance.

C. Large Professional Service Contract Pre-Bid Conferences

For Professional Service contracts in excess of \$100,000 (normally not Commodity purchases), the Purchasing Department will hold pre-bid conferences where prospective bidders can meet prospective local subcontractors and the details of the project can be explained.

D. Buy Local Preference

1. Price Preference for Commodities/Supplies to Indiana Businesses.

There shall be the following price preferences for commodities/supplies purchased by the City of Fort Wayne from an Indiana Business.

- (a) Five percent (5%) for a purchase expected by the City to be less than \$500,000.
- (b) Three percent (3%) for a purchase expected by the City to be at least \$500,000 but less than \$1,000,000.
- (c) One percent (1%) for a purchase by the City to be at least \$1,000,000.

2. Price Preference for Commodities/Supplies to Indiana Small Businesses. The City of Fort Wayne shall give a fifteen percent (15%) preference for commodities/supplies to an Indiana Small Business that submits an offer for purchase under this Ordinance.

3. Buy Local Request for Proposals (RFP) Preference. When the City of Fort Wayne utilizes the RFP process codified at IC 5-22-9 *et seq.* Indiana Businesses shall be awarded as a preference fifteen

percent (15%) of all possible points awarded under the RFP in determining who should receive the contract.

4. When **Preference is not Applicable.** Notwithstanding Item D.1., D.2, and D3. above, the City shall award a contract to the lowest responsive and responsible offeror regardless of the preference provided herein if;

(a) The offeror is an Indiana Business (except that the preference for an Indiana Small Business may be applied as between an Indiana Small Business and an Indiana Business which is not a Small Business); or

(b) The offeror is a business from a state bordering Indiana and the business's home state **does not** provide a preference to the home state's businesses more favorable than is provided by Indiana law to Indiana Businesses.

5. **Disclosures Required.** A business that desires to claim a preference provided under this Ordinance must do all of the following:

(a) State in the business's bid that the business claims a preference provided by this Ordinance, and shall state if it is claiming the Indiana Business preference or the Indiana Small Business preference.

(b) Provide the following information to the City of Fort Wayne Contract Compliance Office.

(i) The location of the business's principal place of business. If the business claims the preference as an Indiana Business whose principal place of business is located in Indiana, a statement explaining the reasons

the business considers the location named as the business's principal place of business.

- (ii) The amount of the business's total payroll and the amount of the business's payroll paid to Indiana residents.
- (iii) The number of the business's employees and the number of the business's employees who are Indiana residents.
- (iv) If the business claims the preference as an Indiana Business that makes a significant capital investment in Indiana, a description of the capital investments made in Indiana and a statement of the amount of those capital investments.
- (v) If the business claims a Small Business preference, it shall provide appropriate documentation to show that it is independently owned and operated; is not dominant in its field of operation, and shall provide information specifying that it satisfies the criteria as set forth in IC 5-22-14-3(d) and any other criteria or rules as adopted by the City of Fort Wayne or the Purchasing Department pertaining to status as a Small Business.

6. **Preference Restrictions on Projects that Include Federal Funding.** Notwithstanding the foregoing provisions requiring preferences as to Indiana Businesses and Indiana Small Businesses, said preferences shall not be applicable to contracts or projects unless otherwise authorized under federal law when federal funds are being utilized in the funding of part or all of the contract or project.

- E. **Professional Services, Contracts-RFPs.** Professional Services, purchases or contracts entered into by the City of Fort Wayne which are expected to exceed \$50,000 per calendar year shall be established by utilizing the RFP process as set forth in IC 5-22-9-1 and as authorized pursuant to IC 5-16-11.1 *et seq.* The RFP Purchasing preferences and the rules governing said preferences set forth in subparagraph D3 of this Ordinance shall be applicable to Professional Services RFPs.

- F. **State Law Applies and Controls.** This Buy Local Ordinance shall be construed to adopt preferences as set forth above in compliance with state law as codified in IC 5-22-15 *et seq.*, and it is intended that this Ordinance shall be consistent with all provisions of state law (except as to the definition of Indiana Business as noted herein). All other provisions contained in IC 5-22-15 *et seq.* or otherwise under Indiana Law, including but not limited to IC 5-22-15-10 with respect to computation of the preference in determining a low bidder, IC 5-22-15-12, the award of the contract, IC 5-22-15-20, rules relating to preferences to Indiana Businesses, shall remain applicable, and must be complied with in the enforcement and application of this Ordinance.

- G. **One Preference Limit.** An Indiana Business may not claim more than one preference as provided for herein throughout the course of a single bid or RFP process.

- H. **Reporting/Register of Information.** With regard to any activity as outlined in this section, and in addition to all register and other information requirements as codified in IC 5-22 *et seq.*, the City of Fort Wayne through the Purchasing Department or other appropriate local agency shall maintain a data base setting forth the total amount of dollars that have been spent and the total amount of dollars that have been committed with regard to contracts for supplies and/or services to businesses in Allen County. This information

shall be made available to the general public through the City of Fort Wayne website.

- I. **State/Federal/Purchasing Cooperative Contracts.** This Ordinance will not affect the City's ability to buy off of state, federal or purchasing cooperative contracts.

SECTION 2. That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor, but shall expire, unless action is taken to extend it, three (3) years after it becomes effective.

Karen Goldner, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

AN ORDINANCE AMENDING TITLE VII—TRAFFIC VIOLATIONS, CHAPTER 73 “BUSES AND TRUCKS; LOADS”, OF THE MUNICIPAL CODE OF ORDINANCES

WHEREAS, the City of Fort Wayne in 2005 recognized the need to adopt a new ordinance for trucks to travel into and around the city more efficiently; and,

WHEREAS, the City of Fort Wayne in 2007 embarked on a major economic development project along W. Jefferson Blvd called Harrison Square in the city’s center which includes a public ballpark, retail stores, condominiums, a hotel and parking lot ; and,

WHEREAS, the current, albeit time-restricted, **Thru Truck** designation along Jefferson Blvd and Washington Blvd will potentially cause a safety hazard to the increased numbers of people living near and attending a variety of functions offered by the new developments,

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

SECTION 1. That §73.30 “Restrictions on Hours of Use” be deleted in its entirety and replaced with the following:

This section has been left blank deliberately.

SECTION 2. That those designated sections of Washington Blvd and Jefferson Blvd be added to §73.29 “Designation of Local Delivery Routes” as follows:

East-West Route

From (West)

To (East)

W. Jefferson Blvd
Maumee Ave
Washington Blvd

Freeman Street
Division Street
W. Jefferson Blvd

Division Street
Washington Blvd
S.R. 930

SECTION 3. That sub-paragraph (C) of §73.41 “Signage” shall be deleted.

SECTION 4. That sub-paragraph (B) of §73.42 “Sunset Provision: Ardmore Avenue and Freeman Street” shall be deleted in its entirety and replaced with the following:

(B) Freeman Street is designated in §73.28 as a truck route between Taylor Street and Jefferson Blvd. Freeman Street’s designation will revert to that of local street immediately upon designation of Ardmore Avenue as a truck route under division (A) above.

SECTION 5. That Freeman Street be deleted from §73.29 “Designation of Local Delivery Routes”.

SECTION 6. This Ordinance shall be in full force and effect after its passage and any all necessary approval by the Mayor, or an override of a Mayoral veto, and any legal publications required by Indiana law thereof.

Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Council Attorney

BILL NO. R-08-05-18

DECLARATORY RESOLUTION NO. R-_____

A DECLARATORY RESOLUTION
designating an “Economic Revitalization Area” under
I.C. 6-1.1-12.1 for property commonly known as 1211
Progress Road, Fort Wayne, Indiana 46808 (Calico
Precision Molding, LLC)

WHEREAS, Petitioner has duly filed its petition dated May 16, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and

I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create 20 full-time, permanent jobs for a total new, annual payroll of \$395,200, with the average new annual job salary being \$19,760 and retain 45 full-time, permanent jobs for a total current annual payroll of \$916,295, with the average current, annual job salary being \$20,362; and

WHEREAS, the total estimated project cost is \$332,595; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

(a) Said Resolution shall be filed with the Allen County Assessor;

- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an “Economic Revitalization Area” shall not be finally approved unless said Commission adopts a Resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to both a deduction of the assessed value of real estate and personal property for new manufacturing, research and development, logistical distribution and information technology equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation and the estimate of the value of new manufacturing, research and development, logistical distribution and information technology equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of new manufacturing, research and development, logistical distribution and information technology equipment.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.4723/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.4723/\$100 (the change would be negligible).

- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.4723/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (g) If the proposed new research and development equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.
- (h) If the proposed new research and development equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (i) If the proposed new research and development equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (j) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.
- (k) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (l) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (m) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.

- (n) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (o) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and the deduction from the assessed value of the new manufacturing, research and development, logistical distribution and information technology equipment shall be for a period of five years.

SECTION 8. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1211 Progress Road, Fort Wayne, Indiana 46808 (Calico Precision Molding, LLC)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create 20 full-time, permanent jobs for a current annual payroll of \$395,200, with the average current annual job salary being \$19,760 and retain 45 full-time, permanent jobs for a current annual payroll of \$916,295, with the average current annual job salary being \$20,362; and

WHEREAS, the total estimated project cost is \$332,595; and

WHEREAS, a recommendation has been received from the Committee on Finance concerning said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

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

SECTION 1. That, the Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1 regarding the failure to designate an area an economic revitalization area before the installation of equipment for which Calico Precision Molding, LLC desires to

claim an economic revitalization area deduction. Such waiver shall be in effect for personal property improvements during the period of January 1, 2008 through the date of this resolution and is granted through the authority of I.C. 6-1.1-12.1-9.5, I.C. 6-1.1-12.1-11.3, I.C. 6-1.1-31-1, and 50 I.A.C. 10-4-1(a)(2) and (3).

SECTION 2. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 3. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 4. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new manufacturing, research and development, logistical distribution and information technology equipment.

SECTION 5. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of redevelopment or rehabilitation and estimate of the value of the new manufacturing, research and development, logistical distribution and information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing, research and development, logistical distribution and information technology equipment.

SECTION 6. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.4723/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.4723/\$100 (the change would be negligible).

- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.4723/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (g) If the proposed new research and development equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.
- (h) If the proposed new research and development equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (i) If the proposed new research and development equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (j) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.
- (k) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (l) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (m) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.

- (n) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).
- (o) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and that the deduction from the assessed value of the new manufacturing, research and development, logistical distribution and information technology equipment shall be for a period of five years.

SECTION 8. That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. For new manufacturing, research and development, logistical distribution and information technology equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 10. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the

deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 11. The performance report must contain the following information:

- A. The cost and description of real property improvements and manufacturing, research and development, logistical distribution and information technology equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

SECTION 12. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 13. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner’s plans to continue operation at the facility.

SECTION 14. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 1150 South Harrison
Street, Fort Wayne, Indiana 46802 (FW Convention, LLC)**

WHEREAS, Petitioner has duly filed its petition dated April 28, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create 35 full-time and 20 part-time, permanent jobs for a total new, annual payroll of \$1,400,000, with the average new annual job salary being \$25,455; and

WHEREAS, the total estimated project cost is \$23,780,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;

- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an “Economic Revitalization Area” shall not be finally approved unless said Commission adopts a Resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.5377/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5377/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.5377/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the

above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 8. That, the benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner’s plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY _____
Carol Taylor, City Attorney

BILL NO. R-08-05-26

CONFIRMING RESOLUTION NO. R-_____

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 1150 South Harrison
Street, Fort Wayne, Indiana 46802 (FW Convention,
LLC)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create 35 full-time and 20 part-time, permanent jobs for a total additional payroll of \$1,400,000, with the average new annual job salary being \$25,455; and

WHEREAS, the total estimated project cost is \$23,780,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

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

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an

“Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.5377/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.5377/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.5377/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 7. The benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax

return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 9. The performance report must contain the following information

- A. The cost and description of real property improvements.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real property deductions.
- F. The tax savings resulting from the real property being abated.

SECTION 10. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner’s plans to continue operation at the facility.

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 7972 West Jefferson
Boulevard, Fort Wayne, Indiana 46804 (Sri Sai, PC c/o
Dr. Anuradha Kollipara)**

WHEREAS, Petitioner has duly filed its petition dated May 15, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein;

and

WHEREAS, said project will create one full-time, permanent jobs for a total new, annual payroll of \$60,000, with the average new annual job salary being \$60,000 and retain three full-time and seven part-time, permanent jobs for a total current annual payroll of \$691,721, with the average current, annual job salary being \$69,172; and

WHEREAS, the total estimated project cost is \$750,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an “Economic Revitalization Area” under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;

- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an “Economic Revitalization Area” shall not be finally approved unless said Commission adopts a Resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. That, the current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.7975/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7975/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.7975/\$100 (the change would be negligible).

SECTION 6. That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the

above described recommendations and resolution, if applicable.

SECTION 7. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 8. That, the benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 9. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 10. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner’s plans to continue operation at the facility.

SECTION 11. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-08-05-28

CONFIRMING RESOLUTION NO. R-_____

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 7972 West Jefferson
Boulevard, Fort Wayne, Indiana 46804 (Sri Sai, PC c/o
Dr. Anuradha Kollipara)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as “Exhibit A” as if a part herein; and

WHEREAS, said project will create one full-time, permanent jobs for a total additional payroll of \$60,000, with the average new annual job salary being \$60,000 and retain three full-time and seven part-time, permanent jobs for a current annual payroll of \$691,721, with the average current annual job salary being \$69,172; and

WHEREAS, the total estimated project cost is \$750,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

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

SECTION 1. That, the Resolution previously designating the above described property as an “Economic Revitalization Area” is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.7975/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.7975/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.7975/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 7. The benefits described in the Petitioner’s Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

SECTION 8. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the

deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 9. The performance report must contain the following information

- A. The cost and description of real property improvements.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real property deductions.
- F. The tax savings resulting from the real property being abated.

SECTION 10. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner’s plans to continue operation at the facility.

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

BILL NO. S-08-05-21

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7111-2007, SOUTH ANTHONY BOULEVARD: FAIRFAX TO CAPITOL between WAYNE ASPHALT and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT #7111-2007, SOUTH ANTHONY BOULEVARD: FAIRFAX TO CAPITOL by and between WAYNE ASPHALT and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Construction Contract #7111-2007, South Anthony Boulevard: Fairfax to Capitol;

involving a total cost of FOUR HUNDRED FIFTY-SEVEN THOUSAND, TWO HUNDRED FIFTY-THREE AND NO/100 DOLLARS - (\$457,253.00).

SECTION 2. Prior Approval has been requested from Common Council on MAY 13, 2008. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance 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

Carol T. Taylor, City Attorney

BILL NO. S-08-05-22

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7179-2008, RESURFACING PACKAGE B-2008 between E&B PAVING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT #7179-2008, RESURFACING PACKAGE B-2008 by and between E&B PAVING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Construction Contract #7179-08, Resurfacing Package B-2008;

involving a total cost of NINE HUNDRED FORTY-FOUR THOUSAND, EIGHT HUNDRED SIXTY-SIX AND NO/100 DOLLARS - (\$944,866.00).

SECTION 2. Prior Approval has been requested from Common Council on MAY 13, 2008. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance 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

Carol T. Taylor, City Attorney

BILL NO. S-08-05-23

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7180-2008, RESURFACING PACKAGE A-2008 between E&B PAVING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT #7180-2008, RESURFACING PACKAGE A-2008 by and between E&B PAVING and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for

involving a total cost of NINE HUNDRED TEN THOUSAND, NINE HUNDRED TWENTY-TWO AND NO/100 DOLLARS - (\$910,922.00).

SECTION 2. Prior Approval has been requested from Common Council on MAY 13, 2008. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance 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

Carol T. Taylor, City Attorney

