

**COMMITTEE SESSION**

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**AGENDA**

**FORT WAYNE COMMON COUNCIL**

**MARCH 11, 2008**

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

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

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**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**

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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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**1. ROLL CALL**

**2. LEGAL PUBLIC HEARINGS – PAGE 3**

**3. DISCUSSION OF PENDING  
ORDINANCES AND RESOLUTIONS – PAGES 4 THRU 9**

**4. DISCUSSION REGARDING COUNCIL ATTORNEY**

# LEGAL PUBLIC HEARINGS

5:30 P.M.

## FINANCE COMMITTEE

*MITCH HARPER - CHAIR  
THOMAS E. SMITH - CO-CHAIR  
ALL COUNCIL MEMBERS*

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**A-08-02-17**

**AN ORDINANCE appropriating monies into certain accounts for the 2008 Budgets of various funds and departments of the City of Fort Wayne, reducing the unappropriated and unobligated balance of the particular fund involved as required to meet obligations for the remainder of 2008**

**Additional monies is needed to provide sufficient operating funds for the remainder of 2008**

**Total cost of \$542,803**

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**R-08-02-19**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9733 Ardmore Avenue, Fort Wayne, Indiana 46809 (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation)**

**For both real and personal property improvements – will make Interior and exterior improvements. They will also purchase new manufacturing equipment – 10 full-time jobs will be created**

**Total cost of \$5,000,000**

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**R-08-02-21**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3216 Congressional Parkway, Fort Wayne, Indiana 46808 (Custom Poly Packaging)**

**For personal property improvements – they will purchase new manufacturing equipment – three full-time jobs will be created**

**Total cost of \$223,772**

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**ORDINANCES AND RESOLUTIONS UP FOR**  
**DISCUSSION**

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**FINANCE COMMITTEE**

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

**ACTION**

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**S-08-02-16**

**AN ORDINANCE designating the Board of Public Works as leasing agent for the City of Fort Wayne, Indiana; approving the lease of various vehicles and equipment items by the City of Fort Wayne; approving a form of lease; authorizing acceptance of a lessor; and approving other actions with respect thereto**  
**Leasing of various vehicles and equipment items**  
**Cost shall not exceed \$5,150,000**

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**A-08-02-17**

**AN ORDINANCE appropriating monies into certain accounts for the 2008 Budgets of various funds and departments of the City of Fort Wayne, reducing the unappropriated and unobligated balance of the particular fund involved as required to meet obligations for the remainder of 2008**  
**Appropriate additional monies to the 2008 budget to provide sufficient operating funds for the remainder of 2008**  
**Total cost \$542,803**

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**FINANCE COMMITTEE**

**CONTINUED**

**ACTION**

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**R-08-02-19**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9733 Ardmore Avenue, Fort Wayne, Indiana 46809 (Quoin Enterprises, LLC d/b/a Fort Wayne Metals Research Products Corporation)**

**For both real and personal property improvements. They will make interior and exterior improvements. The company will also purchase new manufacturing equipment. Ten full-time jobs will be created as a result of the project**

**Total cost of \$5,000,000**

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**R-08-02-21**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area under I.C. 6-1.1-12.1 for property commonly known as 3216 Congressional Parkway, Fort Wayne, Indiana 46808 (Custom Poly Packaging)**

**For personal property improvements . They will purchase new manufacturing equipment. Three full-time jobs will be created as a result of the project**

**Total cost of \$223,772**

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**R-08-03-08**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7817 Honeywell Drive, Fort Wayne, Indiana 46825 (Collins Painting & Design, LLC)**

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

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## **ACTION**

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**R-08-03-10**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3811 Illinois Road, Fort Wayne, Indiana 46804 (Fort Wayne Associates/Centennial Wireless)**

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

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**R-08-03-12**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7729 Westfield Drive, Fort Wayne, Indiana 46825 (Paramount Properties, LLC)**

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

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## **REGULATIONS COMMITTEE**

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

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**S-08-02-22**

**A Special Ordinance establishing new Economic Development Target Areas**

**This ordinance will allow existing retail businesses and new retail development located in the new EDTAs to be eligible to apply for economic revitalization area designation for tax abatement**

**REQUEST TO BE WITHDRAWN**

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# REGULATIONS COMMITTEE CONTINUED

## ACTION

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**G-08-02-29**

**AN ORDINANCE amending Section 31.03 of the City of Fort Wayne Code of Ordinances**

**Residency requirements for city employees**

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## **PUBLIC WORKS COMMITTEE**

*Glynn A. Hines - Chair*

*Liz Brown - Co-Chair*

*All Council Members*

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**S-08-02-24**

**AN ORDINANCE approving the awarding of I.T.B. No. 2645 – increase purchase of bulk road salt by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Cargill Salt for the Street Department**

**Total cost of \$249,000**

**PRIOR APPROVAL WAS RECEIVED 2-19-08**

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**S-08-02-28**

**AN ORDINANCE approving the awarding of I.T.B. No. 2796 – annual contract for the purchase of aggregates by the City of Fort Wayne, Indiana, by and through its Department of Purchase and Stone Street, Hanson Aggregates Old Prairie, CBK Enterprises and Eshelman Sand & Gravel for the Street Department, Water Maintenance and Service Department, WPC Maintenance Department and Various other City Departments**

**Total cost of \$573,200**

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## **CITY UTILITIES COMMITTEE**

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

**ACTION**

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**S-08-02-23**

**AN ORDINANCE approving the awarding extension of I.T.B. No. 2630-purchase of a Five Yard Loader by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MacDonald Machinery for the BIO Solids Department  
Total cost of \$191,992**

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**S-08-02-26**

**AN ORDINANCE approving contract for Gretna Avenue Storm Sewer Improvements, Resolution #2065-2007 between Scheidleman Excavating and the City of Fort Wayne, Indiana, in connection with the Board of Public Works  
Total cost of \$204,678.54**

**PRIOR APPROVAL WAS RECEIVED 2-26-08**

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**S-08-02-27**

**AN ORDINANCE approving contract for WPCP Improvements for the CSO Ponds #1 and #2 Bleedback, Resolution #1874-2006 between R.E. Crosby, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works  
Total cost of \$749,700**

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**S-08-02-30**

**AN ORDINANCE approving the awarding of I.T.B. No. 2798 - annual requirements for the purchase of large (commercial) water meters by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Elster Amco Water, Inc. and E.J. Prescott, Inc. for the Water, Inc. and E.J. Prescott, Inc. for the Water Maintenance & Service Department  
Total cost of \$464,036.40**

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**CITY UTILITIES COMMITTEE CONTINUED**

**ACTION**

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**S-08-02-31**

**AN ORDINANCE approving the awarding of I.T.B. No. 2797 – annual requirements for the purchase of small (residential) water meters by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Elster Amco Water, Inc. for the Water Maintenance & Service Department  
Total cost of \$361,029.75**

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**R-08-02-32**

**A RESOLUTION approving the purchase of certain real estate for the City of Fort Wayne, Division of City Utilities  
Total cost of property located at 648 Wagner Street  
\$38,000**

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**REGULAR SESSION**

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**AGENDA**

**FORT WAYNE COMMON COUNCIL**

**MARCH 11, 2008**

.....  
**REGULAR SESSION**  
**IMMEDIATELY FOLLOWING COMMITTEE SESSION**  
**COMMON COUNCIL CHAMBERS ROOM 126**  
.....

**PRESIDING OVER THE STANDING**  
**COMMITTEE OF THE COMMON COUNCIL**

**THOMAS E. 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**

.....  
**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 7**

**PASSAGE OF ORDINANCES AND RESOLUTIONS – PAGES 8 THRU 12**

**MISCELLANEOUS BUSINESS**

**CHAIR OPEN FOR COMMENTS – FROM CITIZENS AND COUNCIL MEMBERS**

**RETIREMENT OF COLORS**

**ADJOURNMENT**

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION**

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## FINANCE COMMITTEE

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

### ***ACTION***

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#### **S-08-03-01**

**ORDINANCE authorizing and providing for the issuance by the City of Fort Wayne, Indiana, of its Economic Development Revenue Bonds, Series 2008 (Artek, Inc. Project) for the purpose of financing the costs of certain equipment for the borrower, authorizing the execution, delivery and performance of a first supplement to bond purchase and loan agreement and related documents with respect to said bonds; and approving and authorizing other actions in respect thereto**

**Total cost of \$1,800,000 – 42 full-time jobs will be retained  
And 15 full-time jobs will be created**

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#### **S-08-03-06**

**AN ORDINANCE approving the awarding of I.T.B. No. 2795 – purchase of Self-Contained Breathing Apparatus by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and T.J. Nowak for the Fort Wayne Fire Department**

**Total cost of \$519,799**

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**FINANCE COMMITTEE**

**CONTINUED**

### ***ACTION***

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#### **S-08-03-14**

**AN ORDINANCE approving the awarding of extension of I.T.B. No. 2604 – mowing of residential & commercial properties by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Prolawn/Accent Lawn Manicure, Galaxie Law Service, Homescapes, Thrifty Mow for the Department of**

**Neighborhood Code Enforcement and Property Management  
Total cost of \$402,229**

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**R-08-03-08**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7817 Honeywell Drive, Fort Wayne, Indiana 46 825 (Collins Painting & Design, LLC)**

**Total cost of \$1,287,000 – 3 full-time jobs will be created**

**and**

**Five full-time jobs will be retained**

**The above bill will be voted upon for passage tonight**

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**R-08-03-09**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7817 Honeywell Drive, Fort Wayne, Indiana, 46825 (Collins Painting & Design, LLC)**

**Total cost of \$1,287,000 – 3 full-time jobs will be created**

**and**

**Five full-time jobs will be retained**

**PUBLIC HEARING – 3-25- 08 – 5:30 P.M.**

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**R-08-03-10**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3811 Illinois Road, Fort Wayne, Indiana 46804 (Fort Wayne Associates/Centennial Wireless)**

**Total cost of \$1,007,000 – 40 full-time jobs will be created**

**The above bill will be voted upon for passage tonight**

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**FINANCE COMMITTEE**

**CONTINUED**

**ACTION**

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**R-08-03-11**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3811 Illinois Road, Fort Wayne, Indiana 46804 (Fort Wayne Associates/Centennial Wireless)**

**Total cost of \$1,007,000 - 40 full-time jobs will be created**

**PUBLIC HEARING 3-25-08 - 5:30 P.M.**

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**R-08-03-12**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7729 Westfield Drive, Fort Wayne, Indiana 46825 (Paramount Properties, LLC)**

**Total cost of \$521,000 – Two full-time and two part-time Jobs will be created**

**The above bill will be voted upon for Passage tonight**

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**R-08-03-13**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7729 Westfield Drive, Fort Wayne, Indiana 46825 (Paramount Properties, LLC)**

**Total cost of \$521,000 – Two full-time and two part-time jobs**

**Will be created**

**PUBLIC HEARING 3-25-08 – 5:30 P.M.**

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## **REGULATIONS COMMITTEE**

***Tim Pape - Chair***  
***Marty Bender - Co-Chair***

*All Council Members*

**ACTION**

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**R-08-03-05**

**A RESOLUTION authorizing certain officials of the city of Fort Wayne, City Utilities to accept pension liability and execute and deliver documents related to the Indiana State Public Employees Retirement Fund on behalf of the City of Fort Wayne**

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**Z-08-03-02**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-38 (Sec. 15 of Wayne Township) – Councilmanic District #3 6200 block of Cross Creek Boulevard on the south Side, north of Washington Center Road**

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**Z-08-03-03**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-6 (Sec. 2 of Wayne Township) – Councilmanic District #5 503 through 535 West Wayne Street**

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**Z-08-03-04**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. I-31 (Sec. 33 of Wayne Township) – Councilmanic District #4 7500 Bluffton Road (West side of the Road)**

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**PUBLIC WORKS COMMITTEE**

*Glynn A. Hines - Chair*

*Liz Brown - Co-Chair*

*All Council Members*

**ACTION**

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**No Ordinances or Resolutions up for introduction**

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**CITY UTILITIES COMMITTEE**

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

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**S-08-03-07**

**AN ORDINANCE certifying and approving the need for the services of consultants to provide professional services to assist in the review, verification, final design and bidding services for the Upper Ely Run Interceptor Project, Res. #1925-2008, W.O. #75032, through the Fort Wayne Board of Public Works  
Total cost will be in excess of \$100,000**

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**ORDINANCES AND RESOLUTIONS  
UP FOR PASSAGE**

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**FINANCE COMMITTEE**

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

**ACTION**

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**S-08-02-16**

**AN ORDINANCE designating the Board of Public Works as  
leasing agent for the City of Fort Wayne, Indiana  
Leasing of various vehicles and equipment items  
Cost shall not exceed \$5,150,000**

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**A-08-02-17**

**AN ORDINANCE appropriating monies into certain accounts for  
the 2008 Budgets of various funds and departments  
Total cost of \$542,803**

---

**R-08-02-19**

**A CONFIRMING RESOLUTION designating an "Economic  
Revitalization Area" 9733 Ardmore Avenue - property 9733  
Ardmore Avenue (Quoin Enterprises, LLC d/b/a Fort Wayne  
Metals Research Products Corporation) - 10 full-time jobs will be  
created  
Total cost of \$5,000,000**

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**R-08-02-21**

**A CONFIRMING RESOLUTION designating an "Economic  
Revitalization Area" - property 3216 Congressional Parkway  
(Custom Poly Packaging) 3 full-time jobs will be created  
Total cost of \$223,772**

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**FINANCE COMMITTEE**

**CONTINUED**

**ACTION**

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**R-08-03-08**

**A DECLARATORY RESOLUTION designating an "Economic**

**Revitalization Area” property 7817 Honeywell Drive ( Collins  
Painting & Design, LLC)**

**Total cost of \$1,287,000 - 3 full-time jobs will be created and  
5 full-time jobs will be retained**

---

**R-08-03-10**

**A DECLARATORY RESOLUTION designating an “Economic  
Revitalization Area” property 3811 Illinois Road (Fort Wayne  
Associates/Centennial Wireless)**

**Total cost of \$1,007,00 – 40 full-time jobs will be created**

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**R-08-03-12**

**A DECLARATORY RESOLUTION designating an “Economic  
Revitalization Area” property 7729 Westfield Drive (Paramount  
Properties, LLC)**

**Total cost of \$521,000 – 2 full-time and 2 part-time will be  
Created**

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## **REGULATIONS COMMITTEE**

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

### **ACTION**

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**S-08-02-22**

**A Special Ordinance establishing new Economic Development  
Target Areas**

**ORDINANCE TO BE WITHDRAWN**

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**REGULATIONS COMMITTEE**

**CONTINUED**

### **ACTION**

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**G-08-02-29**

**AN ORDINANCE amending Section 31.03 of the City of Fort  
Wayne Code of Ordinances  
Residency requirements for city employees**

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**PUBLIC WORKS COMMITTEE**

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

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**S-08-02-24**

**AN ORDINANCE approving the awarding of I.T.B. No. 2645 –  
increase purchase of bulk road salt for the Street Department  
Total cost of \$249,000**

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**S-08-02-28**

**AN ORDINANCE approving the purchase of aggregates through  
the Department of Purchasing for various City Departments  
Total cost of \$573,200**

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**CITY UTILITIES COMMITTEE**

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

**ACTION**

---

**S-08-02-23**

**AN ORDINANCE approving the extension of purchase of a Five Yard Loader for the BIO Solids Department  
Total cost of \$191,992**

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**S-08-02-26**

**AN ORDINANCE approving contract for Gretna Avenue Storm Sewer Improvements - Board of Public Works  
Total cost of \$204,678.54**

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**S-08-02-27**

**AN ORDINANCE approving contract for WPCP Improvements for  
The CSO Ponds #1 and #2 Bleedback - Board of Public Works  
Total cost of \$749,700**

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**S-08-02-30**

**AN ORDINANCE approving annual requirements for the purchase of large (commercial) water meters - Water Maintenance & Service Department  
Total cost of \$464,036.40**

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**S-08-02-31**

**AN ORDINANCE approving annual requirements for the purchase of small (residential) water meters - Water Maintenance & Service Department  
Total cost of \$361,029.75**

---

## **CITY UTILITIES COMMITTEE CONTINUED**

### **ACTION**

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**R-08-02-32**

**A RESOLUTION approving the purchase of certain real estate for the City of Fort Wayne Division of City Utilities  
Total cost of property located at 648 Wagner Street  
\$38,000**

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

**SANDRA E.  
CITY CLERK**

**A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
OF THE CITY OF FORT WAYNE, CITY UTILITIES,  
TO ACCEPT PENSION LIABILITY AND EXECUTE  
AND DELIVER DOCUMENTS RELATED TO THE  
INDIANA STATE PUBLIC EMPLOYEES RETIREMENT  
FUND ON BEHALF OF THE CITY OF FORT WAYNE.**

**WHEREAS**, I.C. 5-10.2-3-1 requires specific individuals be authorized and empowered to act on behalf of and in the name of the City of Fort Wayne, City Utilities, as its agent to accept pension liability and to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana; and

**WHEREAS**, the City of Fort Wayne finds it necessary at this time, to name specific individuals to accept pension liability and to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana; and

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

**SECTION 1.** That the Controller of the City of Fort Wayne, Patricia A. Roller; or the Deputy Controller, Valerie Ahr; or the Payroll Manager, Jacqueline Callahan, are hereby authorized to accept pension liability and to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana as required by I.C. 5-10.2-3-1, on behalf of the City of Fort Wayne, City Utilities.

**SECTION 2.** That this Resolution shall be in full force and effect upon passage and any and all necessary approval by the Mayor.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**MEMORANDUM**  
**LAW DEPARTMENT**

**TO:** CITY COUNCIL MEMBERS  
**FROM:** CAROL TAYLOR, CITY ATTORNEY  
**DATE:** March 11, 2008  
**SUBJECT:** PERF AUTHORIZATION RESOLUTION

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The Indiana Public Employees Retirement Fund ("PERF") requires local political subdivisions to designate by name, and not by position, the individuals authorized to accept, execute and deliver documents or other papers. Our resolution addresses the Civil City PERF account; the other addresses the City Utilities PERF account. The people being designated are:

Patricia A. Roller	City Controller
Valerie Ahr	Deputy City Controller
Jacqueline Callahan	Payroll Services Supervisor

**A DECLARATORY RESOLUTION  
designating an “Economic Revitalization Area” under  
I.C. 6-1.1-12.1 for property commonly known as 7817  
Honeywell Drive, Fort Wayne, Indiana 46825 (Collins  
Painting & Design, LLC)**

**WHEREAS**, Petitioner has duly filed its petition dated February 27, 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 three full-time, permanent jobs for a total new, annual payroll of \$120,000, with the average new annual job salary being \$40,000 and retain five full-time, permanent jobs for a total current annual payroll of \$242,034, with the average current, annual job salary being \$48,407; and

**WHEREAS**, the total estimated project cost is \$1,287,000; 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 both a deduction of the assessed value of real estate and personal property for new 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 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 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 \$2.5736/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5736/\$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 \$2.5736/\$100 (the change would be negligible).
- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (e) 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 \$3.0035/\$100 (the change would be negligible).
- (f) 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 \$3.0035/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (h) 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 \$3.0035/\$100 (the change would be negligible).
- (i) 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 \$3.0035/\$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 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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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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 7817 Honeywell  
Drive, Fort Wayne, Indiana 46825  
(Collins Painting & Design, 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 three full-time, permanent jobs for a total additional annual payroll of \$120,000, with the average new annual job salary being \$40,000 and retain five full-time, permanent jobs for a current annual payroll of \$242,034, with the average current annual job salary being \$48,407; and

**WHEREAS**, the total estimated project cost is \$1,287,000; 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 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 and personal property for new 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 redevelopment or rehabilitation and estimate of the value of the new 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 logistical distribution and information technology equipment.

**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 \$2.5736/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5736/\$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 \$2.5736/\$100 (the change would be negligible).

- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (e) If the proposed new logistical distribution and information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0035/\$100 (the change would be negligible).
- (f) 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 \$3.0035/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0035/\$100.
- (h) 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 \$3.0035/\$100 (the change would be negligible).
- (i) 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 \$3.0035/\$100 (the change would be negligible).

**SECTION 6.** 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 logistical distribution and information technology equipment shall be for a period of five years.

**SECTION 7.** 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 8.** For new 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 9.** 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 10.** The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new 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 11.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**SECTION 12.** 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 13.** That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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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 3811 Illinois Road,  
Fort Wayne, Indiana 46804 (Fort Wayne  
Associates/Centennial Wireless)**

**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 40 full-time, permanent jobs for a total additional annual payroll of \$1,093,333, with the average new annual job salary being \$27,333 and retain 260 full-time, permanent jobs for a current annual payroll of \$8,200,000, with the average current annual job salary being \$31,538; and

**WHEREAS**, the total estimated project cost is \$1,007,000; 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 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 and personal property for new 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 redevelopment or rehabilitation and estimate of the value of the new information technology manufacturing 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 information technology equipment.

**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 \$2.6400/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6400/\$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 \$2.6400/\$100 (the change would be negligible).

- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0874/\$100.
- (e) 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 \$3.0874/\$100 (the change would be negligible).
- (f) 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 \$3.0874/\$100 (the change would be negligible).

**SECTION 6.** 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 information technology equipment shall be for a period of five years.

**SECTION 7.** 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 8.** For new 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 9.** 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 10.** The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new 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 11.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**SECTION 12.** 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 13.** That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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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  
7729 Westfield Drive, Fort Wayne, Indiana  
46825 (Paramount Properties, LLC)**

**WHEREAS**, Petitioner has duly filed its petition dated February 20, 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 two full-time and two part-time, permanent jobs for a total new, annual payroll of \$75,000, with the average new annual job salary being \$18,850 and retain nine full-time and one part-time, permanent jobs for a total current annual payroll of \$458,801, with the average current, annual job salary being \$45,880; and

**WHEREAS**, the total estimated project cost is \$521,000; 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 \$2.5736/\$100.

(b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5736/\$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 \$2.5736/\$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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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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  
7729 Westfield Drive, Fort Wayne, Indiana  
46825 (Paramount Properties, 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 two full-time and two part-time, permanent jobs for a total additional payroll of \$75,000, with the average new annual job salary being \$18,850 and retain nine full-time and one part-time, permanent jobs for a current annual payroll of \$458,801, with the average current annual job salary being \$45,880; and

**WHEREAS**, the total estimated project cost is \$521,000; 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 \$2.5736/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.5736/\$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 \$2.5736/\$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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-08-03-01**

**ORDINANCE NO. \_\_\_\_\_**

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE CITY OF FORT WAYNE, INDIANA OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2008 (ARTEK, INC. PROJECT) FOR THE PURPOSE OF FINANCING THE COSTS OF CERTAIN EQUIPMENT FOR THE BORROWER; AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A FIRST SUPPLEMENT TO BOND PURCHASE AND LOAN AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO SAID BONDS; AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

**WHEREAS**, the City of Fort Wayne, Indiana (the "Issuer") is authorized and empowered by the Indiana Code §36-7-11.9 and 12 (the "Act"), as supplemented and amended, to finance economic development facilities, the funds from said financing to be used for the acquisition and installation of said facilities, and said facilities to either be leased to another person or directly owned by another person; and

**WHEREAS**, the Fort Wayne Economic Development Commission has rendered its Project Report for the Artek, Inc. Project, as hereinafter defined, regarding the financing of proposed economic development facilities for Dammeyer Enterprises, LLC (the "Borrower"), and said Project Report has been sent to the Fort Wayne Plan Commission for comment; and

**WHEREAS**, the Fort Wayne Economic Development Commission conducted a public hearing on February 21, 2008, and adopted a resolution on February 21, 2008, which Resolution has been transmitted to this Common Council, finding that the financing of certain economic development facilities of the Borrower complies with the purposes and provisions of the

Act and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

**WHEREAS**, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the First Supplement to Bond Purchase and Loan Agreement among the Borrower, the Issuer and STAR Financial Bank, as the Original Purchaser, dated as of March 1, 2008 (the "First Supplement"), which amends and supplements a Bond Purchase and Loan Agreement among the Borrower, the Issuer and Original Purchaser dated as of June 1, 2005 (the "Original Loan Agreement") (the Original Loan Agreement as amended and supplemented by the First Supplement being collectively referred to as the "Loan Agreement"), the Series 2008 Note of the Borrower dated as of March 1, 2008 (the "Series 2008 Note"), and the Amended and Restated Mortgage, Security Agreement and Financing Statement between the Borrower and STAR Financial Bank dated as of March 1, 2008 (the "Mortgage"); now therefor

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE THAT:**

**SECTION 1.** It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of the Issuer's Economic Development Revenue Bonds, Series 2008 (Artek, Inc. Project) (the "Series 2008 Bonds"), the loan of the proceeds of the Series 2008 Bonds to the

Borrower for the acquisition and installation of the economic development facilities, the payment of the Series 2008 Bonds by the note payments of the Borrower under the Loan Agreement and the Series 2008 Note, and the securing of said Series 2008 Bonds under the Loan Agreement and the Mortgage complies with the purposes and provisions of the Act and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

**SECTION 2.** The economic development facilities consists of the acquisition and installation of new manufacturing equipment, and the leasing of same to Artek, Inc., an Indiana corporation and an affiliate of Borrower (herein the “Lessee”), to allow Lessee to expand Lessee’s capacity to manufacture sheets of Ultra-High Molecular Weight Polyethylene (“UHMW-PE”) and to expand its capability to produce a full range of extruded and fabricated UHMW-PE products (collectively, the “Project”).

**SECTION 3.** At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in or near the City of Fort Wayne, and subsequently found, based on special findings of fact set forth in the Resolution transmitted hereto that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in or near the City of Fort Wayne and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

**SECTION 4.** The substantially final forms of the Loan Agreement, Series 2008 Note and Mortgage approved by the Fort Wayne Economic Development Commission are hereby approved (herein collectively referred to as the “Financing Agreement” referred to in the Act), and the Financing Agreement shall be incorporated herein by reference and shall be inserted in the minutes of this Council and kept on file by the City Clerk in accordance with the provisions of I.C. 36-1-5-4. Two (2) copies of the Financing Agreement are on file in the office of the City Clerk for public inspection.

**SECTION 5.** The Issuer shall issue its Series 2008 Bonds designated “City of Fort Wayne, Indiana Economic Development Revenue Bonds, Series 2008 (Artek, Inc. Project)” in a principal amount not to exceed One Million Eight Hundred Thousand and 00/100ths Dollars (\$1,800,000) (the “Series 2008 Bonds”) and maturing no later than April 1, 2018. The Series 2008 Bonds are to be issued for the purpose of procuring funds to pay the costs of acquiring and installing the Project which Series 2008 Bonds will be payable as to principal, premium, if any, and interest from the note payments made by the Borrower under the Loan Agreement and the Series 2008 Note or as otherwise provided in the above described Loan Agreement. The Series 2008 Bonds shall be issued in fully registered form in denominations of \$100,000 or \$5,000 integral multiples in excess thereof or as otherwise provided in the Loan Agreement. The Series 2008 Bonds shall be redeemable as provided in Article IX of the Loan Agreement. The Series 2008 Bonds will bear interest at a rate not to exceed 12.0% per annum. Payments of principal and interest are payable in lawful money of the United States of America at the principal office of the Agent (as defined in the Loan Agreement) or its successor in trust or by check mailed or delivered to the registered owners as provided in the Loan Agreement. The Series 2008 Bonds shall never constitute a general obligation of, an indebtedness of, or a

charge against the general credit of the City of Fort Wayne, Indiana, nor are the Series 2008 Bonds payable in any manner from revenues raised by taxation.

**SECTION 6.** The Mayor and the City Clerk are authorized and directed to sell the Series 2008 Bonds to STAR Financial Bank, as the original purchaser thereof (the "Original Purchaser") at a price of not less than 100.00% of the principal amount thereof.

**SECTION 7.** The Mayor and the City Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable prior to on or after the date hereof to consummate or facilitate the transaction, including, without limitation, the Series 2008 Bonds authorized herein. The Mayor and the City Clerk are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement which take place after the date of this Ordinance with the review and advice of counsel to the City, it being the express understanding of this Council that said Financing Agreement is in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the Series 2008 Bonds as approved by this Council by this Ordinance without further consideration by this Council. The signatures of the Mayor and the City Clerk on the Series 2008 Bonds may be either manual or facsimile signatures. The City Clerk is authorized to arrange for delivery of such

Series 2008 Bonds to the Original Purchaser, and payment for the Series 2008 Bonds will be made to the Agent named in the Loan Agreement. The Series 2008 Bonds shall be originally dated the date of issuance and delivery thereof.

**SECTION 8.** It is the intention of this Council that this Ordinance shall constitute the approval of this Council under Section 147(f) of the Internal Revenue Code of 1986, as amended, with respect to the Series 2008 Bonds.

**SECTION 9.** The provisions of this Ordinance and the Loan Agreement securing the Series 2008 Bonds shall constitute a contract binding between the City of Fort Wayne, Indiana and the holders of the Series 2008 Bonds, and after the issuance of said Series 2008 Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Series 2008 Bonds or the interest thereon remains unpaid.

**SECTION 10.** This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-08-03-06**

**SPECIAL ORDINANCE NO. S-\_\_\_\_\_**

**AN ORDINANCE** approving the awarding of I.T.B. NO. 2795 - PURCHASE OF SELF- CONTAINED BREATHING APPARATUS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and T. J. NOWAK for the FORT WAYNE FIRE DEPARTMENT.

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

**SECTION 1.** That I.T.B. NO. 2795 - PURCHASE OF SELF-CONTAINED BREATHING APPARATUS between the City of Fort Wayne, by and through its Department of Purchasing and T. J. NOWAK for the FORT WAYNE FIRE DEPARTMENT, respectfully for:

purchase of self-contained breathing apparatus for the Fort Wayne Fire Department:

involving a total cost of FIVE HUNDRED NINETEEN THOUSAND, SEVEN HUNDRED NINETY-NINE AND NO/100 DOLLARS - (\$519,799.00) all as more particularly set forth in said I.T.B. NO. 2795 - PURCHASE OF SELF-CONTAINED BREATHING APPARATUS, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-08-03-07**

**SPECIAL ORDINANCE NO. S-\_\_\_\_\_**

An Ordinance certifying and approving the need for the services of consultants to provide professional services to assist in the review, verification, final design and bidding services for the Upper Ely Run Interceptor Project, Res. #1925-2008, W.O. #75032, through the Fort Wayne Board of Public Works.

WHEREAS, the City of Fort Wayne through its Board of Public Works desires to hire consultants to provide professional services to assist in the review, verification, final design and bidding services for the Upper Ely Run Interceptor Project, Res. #1925-2008, W.O. #75032; and

WHEREAS, the City of Fort Wayne does not have the capability of performing this work with in-house forces; and

WHEREAS, the Board of Public Works believes that there is a need to employ engineering consultants to perform this service; and

WHEREAS, it is anticipated that the amount to be paid to said consultant will be in excess of \$100,000.00.

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

**SECTION 1.** The Common Council of the City of Fort Wayne hereby certifies and approves the need to provide professional services to assist in the review, verification, final design and bidding services for the Upper Ely Run Interceptor Project, Res. #1925-2008, W.O. #75032, through the Fort Wayne Board of Public Works.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**A DECLARATORY RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for property  
commonly known as 3811 Illinois Road, Fort Wayne, Indiana 46804  
(Fort Wayne Associates/Centennial Wireless)**

**WHEREAS**, Petitioner has duly filed its petition dated February 26, 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 40 full-time, permanent jobs for a total new, annual payroll of \$1,093,333, with the average new annual job salary being \$27,333 and retain 260 full-time, permanent jobs for a total current annual payroll of \$8,200,000, with the average current, annual job salary being \$31,538; and

**WHEREAS**, the total estimated project cost is \$1,007,000; 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 both a deduction of the assessed value of real estate and personal property for new 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 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 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 \$2.6400/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6400/\$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 \$2.6400/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0874/\$100.
- (e) 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 \$3.0874/\$100 (the change would be negligible).
- (f) 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 \$3.0874/\$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 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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**AN ORDINANCE** approving the awarding of EXTENSION OF I.T.B. NO. 2604 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and PROLAWN/ACCENT LAWN MANICURE, GALAXIE LAW SERVICE, HOMESCAPES, THRIFTY MOW for the DEPARTMENT OF NEIGHBORHOOD CODE ENFORCEMENT AND PROPERTY MANAGEMENT.

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

**SECTION 1.** That EXTENSION OF I.T.B. NO. 2604 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES between the City of Fort Wayne, by and through its Department of Purchasing and PROLAWN/ACCENT LAWN MANICURE, GALAXIE LAW SERVICE, HOMESCAPES, THRIFTY MOW for the DEPARTMENT OF NEIGHBORHOOD CODE ENFORCEMENT AND PROPERTY MANAGEMENT, respectfully for:

extension of I.T.B. No. 2604 for 2008 mowing and weed control: involving a total cost of FOUR HUNDRED TWO THOUSAND, TWO HUNDRED TWENTY-NINE AND NO/100 DOLLARS - (\$402,229.00) - (PROLAWN - \$77,925.00; GALAXIE - \$50,000.00; HOMESCAPES - \$95,304.00; THRIFTY - \$179,000.00) all as more particularly set forth in said EXTENSION OF I.T.B. NO. 2604 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES, which is on file in the Office of the Department of Purchasing, and is by

reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

#1127

BILL NO. Z-08-03-02

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. J-38 (Sec. 15 of Wayne Township)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,

INDIANA:

SECTION 1. That the area described as follows is hereby designated an IN2 (General Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Part of the East Half of the Southwest Quarter, all in Section 15, Township 31 North, Range 12 East, of the second principal meridian in Allen County, Indiana, more particularly described as follows:

Commencing at the center of Section 15; thence south 89 degrees 10 minutes west (bearings in this description are based on the Indiana Department of Highway Bearing for State Road #3), on and along the north line of said southwest quarter, being within the right-of-way of Ludwig Road, a distance of 779.989 feet; thence south 00 degrees 50 minutes east, a distance of 560.0 feet to the point of curvature of a regular curve to the left having a radius of 679.72 feet; thence southerly, on and along the arc of said curve, an arc distance of 308.45 feet, being subtended by a long chord having a length of 305.81 feet and a bearing of south 13 degrees 50 minutes east to the point of tangency; thence south 26 degrees 50 minutes east and tangent to said curve, a distance of 98.53 feet to the point of survey of a regular curve to the right having a radius of 332.85 feet; thence southerly, on and along the arc of said curve, an arc distance of 135.69 feet, being subtended by a long chord having a length of 134.75 feet and a bearing of south 15 degrees 09 minutes 18 seconds east to the point of tangency; thence south 03 degrees 28 minutes 37 seconds east and tangent to said curve, a distance of 68.39 feet; thence north 89 degrees 46 minutes 36 seconds east, on and along a line partially defined by the south line of a 60 foot wide access easement established under Instrument Number 91-4687, a distance of 80.10 feet to the point of beginning of the herein described tract; thence continuing north 89 degrees 46 minutes 36 seconds east, distance of 324.33 feet along said south line to the west line of an existing 10.8591 acre tract; thence south 00 degrees 13 minutes 24 seconds east, a distance of 661.75 feet along said west line to the north line of an existing 4.818 acre tract; thence south 89 degrees 46 minutes 36 seconds west, a distance of 52.72 feet along said north line to the east line of an ingress/egress easement, also being on a non-tangent curve, concave to the southwest, having a radius of 561.20 feet; thence northwesterly along said curve, a distance of 167.29 feet, having a central angle of 17 degrees 04 minutes 46 seconds, and a chord of 166.67 feet bearing north 34 degrees 56 minutes 14 seconds west to the point of tangency of said curve; thence north 43 degrees 28 minutes 37 seconds west, a distance of 100.00 feet along said east line to a tangent curve, concave to the east, having a radius of 437.37 feet; thence northerly along said curve and said east line, a distance of 305.34 feet, having a central angle of 40 degrees 00 minutes 00 seconds, and a chord of 299.18 feet bearing north 23 degrees 28 minutes 37 seconds west to the point of tangency of said curve; thence north 03 degrees 28 minutes 37 seconds west, a distance of 157.32 feet along said east line; thence north 43 degrees 08 minutes 59 seconds east, a distance of 27.47 feet along said east line to the point of beginning, containing 3.836 acres, more or less

and the symbols of the City of Fort Wayne Zoning Map No. J-38 (Sec. 15 of Wayne Township), as

established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Taylor, City Attorney

#1128

BILL NO. Z-08-03-03

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. L-6 (Sec. 2 of Wayne Township)

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

SECTION 1. That the area described as follows is hereby designated a CM5B (Downtown  
Edge) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Lots 1, 2, 3, 4, 5, 6 in Block 26 of Ewing Addition

and the symbols of the City of Fort Wayne Zoning Map No. L-6 (Sec. 2 of Wayne Township), as established  
by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Carol T. Taylor, City Attorney

#1129

BILL NO. Z-08-03-04

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. I-31 (Sec. 33 of Wayne Township)

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

SECTION 1. That the area described as follows is hereby designated a RP (Planned Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit;

Commencing at the East Quarter corner of said Section 33, being marked by a survey nail; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing and basis of all bearings in this description), on and along the East line of said Northeast Quarter, being with the right-of-way of Bluffton Road, a distance of 1134.67 feet to a survey nail at the northeast corner of a 0.31 acre tract of real estate described in a deed to the Thelma L. Baker Trust as recorded in Document Number 95-7616 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 00 degrees 00 minutes 00 seconds East, continuing on and along said East line and within said right-of-way, a distance of 85.55 feet to a survey nail at the southeast corner of a 0.788 acre tract of real estate described in a deed to David Seelye and Kaye L. Seelye in Document Number 206032258 in the Office of the Recorder; thence South 89 degrees 40 minutes 36 seconds West, on and along the south line of said 0.788 acre tract, a distance of 322.02 feet to a #5 rebar at the southwest corner thereof; thence North 00 degrees 00 minutes 00 seconds East, on and along the west line of said 0.788 acre tract and parallel with said East line, a distance of 102.64 feet to a #5 rebar at the northwest corner thereof, being a point on the North line of the Southeast Quarter, being also the south line of the plat of Waynedale Gardens Addition, according to the plat thereof, as recorded in Plat Record 10, page 71 in the Office of said Recorder; thence North 89 degrees 57 minutes 26 seconds West, on and along the North line of the Southeast Quarter of said Northeast Quarter and the south line of said plat, a distance of 158.49 feet to the point of intersection of said North line with the northerly projection of the west line of a tract of real estate described in a deed to Sergio E. Trevino in Document Number 990069577 in the Office of the Recorder; thence South 00 degrees 30 minutes 05 seconds East, on and along the northerly projection of the west line of said Trevino tract, being also the line dividing the R1 and the RP Zoning Districts, a distance of 132.35 feet to a #5 rebar at the northwest corner of said Trevino tract; thence South 88 degrees 40 minutes 01 seconds East, on and along the north line of said Trevino tract, a distance of 119.80 feet to a #3 rebar at the northeast corner thereof, also being the northwest corner of a tract of real estate described in a deed to Robert G. Baker and Anita J. Baker in Deed Record 521, page 85 in the Office of said Recorder; thence North 89 degrees 14 minutes 43 seconds East, on and along the north line of said Baker tract, a distance of 128.00 feet to a 1 inch diameter pipe at the northeast corner of said Baker tract, also being the northwest corner of a tract of real estate described in a deed to Violet B. Wiggs and Marcella K. Dellinger in Document Number 202037589 in the Office of said Recorder; thence South 89 degrees 57 minutes 30 seconds East, on and along the north line of said Wiggs and Dellinger tract, a distance of 50.00 feet to a buried metal stake at the northeast corner of said Wiggs and Dellinger tract; thence South 00 degrees 00 minutes 00 seconds West, on and along the east line of said Wiggs and Dellinger tract, a distance of 55.00 feet to a survey nail at the northwest corner of said 0.31 acre tract; thence

North 89 degrees 22 minutes 26 seconds East, on and along the north line of said 0.31 acre tract, a distance of 181.61 feet to the true point of beginning, containing 0.946 acres of land

and the symbols of the City of Fort Wayne Zoning Map No. I-31 (Sec. 33 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Taylor, City Attorney

#1129

BILL NO. Z-08-03-04

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. I-31 (Sec. 33 of Wayne Township)

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

SECTION 1. That the area described as follows is hereby designated a RP (Planned  
Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Part of the Southeast Quarter of the Northeast Quarter of Section 33, Township 30 North, Range  
12 East, Allen County, Indiana, being more particularly described as follows, to-wit;

Commencing at the East Quarter corner of said Section 33, being marked by a survey nail; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing and basis of all bearings in this description), on and along the East line of said Northeast Quarter, being with the right-of-way of Bluffton Road, a distance of 1134.67 feet to a survey nail at the northeast corner of a 0.31 acre tract of real estate described in a deed to the Thelma L. Baker Trust as recorded in Document Number 95-7616 in the Office of the Recorder of Allen County, Indiana, this being the true point of beginning; thence North 00 degrees 00 minutes 00 seconds East, continuing on and along said East line and within said right-of-way, a distance of 85.55 feet to a survey nail at the southeast corner of a 0.788 acre tract of real estate described in a deed to David Seelye and Kaye L. Seelye in Document Number 206032258 in the Office of the Recorder; thence South 89 degrees 40 minutes 36 seconds West, on and along the south line of said 0.788 acre tract, a distance of 322.02 feet to a #5 rebar at the southwest corner thereof; thence North 00 degrees 00 minutes 00 seconds East, on and along the west line of said 0.788 acre tract and parallel with said East line, a distance of 102.64 feet to a #5 rebar at the northwest corner thereof, being a point on the North line of the Southeast Quarter, being also the south line of the plat of Waynedale Gardens Addition, according to the plat thereof, as recorded in Plat Record 10, page 71 in the Office of said Recorder; thence North 89 degrees 57 minutes 26 seconds West, on and along the North line of the Southeast Quarter of said Northeast Quarter and the south line of said plat, a distance of 158.49 feet to the point of intersection of said North line with the northerly projection of the west line of a tract of real estate described in a deed to Sergio E. Trevino in Document Number 990069577 in the Office of the Recorder; thence South 00 degrees 30 minutes 05 seconds East, on and along the northerly projection of the west line of said Trevino tract, being also the line dividing the R1 and the RP Zoning Districts, a distance of 132.35 feet to a #5 rebar at the northwest corner of said Trevino tract; thence South 88 degrees 40 minutes 01 seconds East, on and along the north line of said Trevino tract, a distance of 119.80 feet to a #3 rebar at the northeast corner thereof, also being the northwest corner of a tract of real estate described in a deed to Robert G. Baker and Anita J. Baker in Deed Record 521, page 85 in the Office of said Recorder; thence North 89 degrees 14 minutes 43 seconds East, on and along the north line of said Baker tract, a distance of 128.00 feet to a 1 inch diameter pipe at the northeast corner of said Baker tract, also being the northwest corner of a tract of real estate described in a deed to Violet B. Wiggs and Marcella K. Dellinger in Document Number 202037589 in the Office of said Recorder; thence South 89 degrees 57 minutes 30 seconds East, on and along the north line of said Wiggs and Dellinger tract, a distance of 50.00 feet to a buried metal stake at the northeast corner of said Wiggs and Dellinger tract; thence South 00 degrees 00 minutes 00 seconds West, on and along the east line of said Wiggs and Dellinger tract, a distance of 55.00 feet to a survey nail at the northwest corner of said 0.31 acre tract; thence

North 89 degrees 22 minutes 26 seconds East, on and along the north line of said 0.31 acre tract, a distance of 181.61 feet to the true point of beginning, containing 0.946 acres of land

and the symbols of the City of Fort Wayne Zoning Map No. I-31 (Sec. 33 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Taylor, City Attorney