

COMMITTEE SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

AUGUST 12, 2008

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

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

PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE COMMITTEE
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH G. BONAHOOM
COUNCIL ATTORNEY

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

ORDER OF THE AGENDA

1. ROLL CALL

2. LEGAL PUBLIC HEARINGS – PAGE 3

3. PRIOR APPROVAL REQUESTS – PAGE 4

**3. DISCUSSION OF PENDING
ORDINANCES AND RESOLUTIONS – PAGES 5 THRU 8**

LEGAL PUBLIC HEARING

FINANCE COMMITTEE

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

R-08-07-22

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 4146 Engleton Drive, Fort Wayne, Indiana 46804 (PolyMod Technologies, Inc.)

Total cost of \$497,959 – Real and personal property improvements – they will construct a 7,000 square foot addition as well as purchase new manufacturing and information technology equipment – five full-time jobs will be created as a result of the project

S-08-07-29

AN ORDINANCE of the City of Fort Wayne, Indiana, appropriating the proceeds derived from the sale of bonds heretofore authorized to be issued and designated as “City of Fort Wayne, Indiana, County Economic Development Income Tax Revenue Bonds of 2008” and Bond Anticipation Notes for the purpose of financing cost of all or any portion of a proposed project of the City

PUBLIC HEARING ONLY

PRIOR APPROVAL REQUESTS

FINANCE COMMITTEE

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

**“PRIOR APPROVAL REQUEST” Greenway: Towpath Trail Phase 2B
Construction – contract was awarded to Wayne Asphalt in the amount of
\$1,116,259.20**

PUBLIC WORKS COMMITTEE

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

**“PRIOR APPROVAL REQUEST” Oxford Street: Turpie to Wayne Trace –
contract was awarded to Hipkind Concrete in the amount of \$255,763.25**

CITY UTILITIES COMMITTEE

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

**“PRIOR APPROVAL REQUEST” Floatables Control (Re-bid) – contract was
awarded to R.E. Crosby, Inc. in the amount of \$532,415**

ORDINANCES AND RESOLUTIONS UP FOR DISCUSSION

FINANCE COMMITTEE

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

ACTION

R-08-07-22

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 4146 Engleton Drive, Fort Wayne, Indiana 46804 (PolyMod Technologies, Inc.)

Total cost of \$497,959 – for both real and personal property improvements – they will construct a 7,000 square foot addition to the existing facility as well as purchase new manufacturing and information technology equipment – five full-time jobs will be created as a result of the project

R-08-08-07

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 33103 Cannongate Drive, Fort Wayne, Indiana 46808 (U.S. Silicones, LLC)

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

FINANCE COMMITTEE CONTINUED

ACTION

R-08-08-11
A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1305-1309 Broadway, Fort Wayne, Indiana 46802 (Old Mill Properties, LLC)

voted

This Resolution is to be introduced and

Session

Upon for passage tonight at the Regular

R-08-08-13
A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3810 Fourier Drive, Fort Wayne, Indiana, 46818 (CNC Industries, Inc.)

This Resolution is to be introduced and
voted

Upon for passage tonight at the Regular
Session

REGULATIONS COMMITTEE

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

ACTION

Z-08-07-01

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. O-30 (Sec. 24 of St. Washington Township)
5110 North Clinton Street, containing 5.27 acres, on the east side of North Clinton and the north side of Medical Park Drive -
Property will be zoned CM2-Limited Retail and Commercial to allow for a shopping area**

Z-08-07-20

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-14 (Sec. 35 of Washington Township) and Zoning Map No. L-10 (Sec. 2 of Wayne Township)
Approximately the 1100 to 1700 blocks of Wells Street – will be zoned to CM5C Neighborhood Corridor Commercial District – to permit mixed uses with a focus on neighborhood oriented commercial and personal services at the street level**

PUBLIC WORKS COMMITTEE

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

ACTION

S-08-08-09

AN ORDINANCE approving construction contract #7195-08, Oxford Street; Turpie to Wayne Trace - Resolution NO. 7195-08 between Hipkind Concrete, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

This Ordinance is to be introduced and voted

Upon for passage tonight at the Regular Session

"PRIOR APPROVAL REQUEST"

CITY UTILITIES COMMITTEE

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

No Ordinances or Resolutions up for discussion

REGULAR SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

AUGUST 12, 2008

REGULAR SESSION
IMMEDIATELY FOLLOWING COMMITTEE SESSION
COMMON COUNCIL CHAMBERS ROOM 126

PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE REGULAR
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH H. BONAHOOM
COUNCIL ATTORNEY

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

COMMUNICATIONS:

- 1. FROM BOARD OF PUBLIC SAFETY –
4 REGULATORY RESOLUTIONS**

INTRODUCTION OF ORDINANCES AND RESOLUTIONS – PAGES 3 THRU 7

PASSAGE OF ORDINANCES AND RESOLUTIONS – PAGES 8 THRU 11

MISCELLANEOUS BUSINESS

CHAIR OPEN FOR COMMENTS – FROM CITIZENS AND COUNCIL MEMBERS

RETIREMENT OF COLORS

ADJOURNMENT

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION**

FINANCE COMMITTEE

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

ACTION

R-08-08-07

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3103 Cannongate Drive, Fort Wayne, Indiana 46808 (U.S. Silicones, LLC)

**Total cost of \$545,000 – 22 full-time jobs will be created
As a result of the project**

TO BE PASSED THIS EVENING

R-08-08-08

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3103 Cannogate Drive, Fort Wayne, Indiana 46808 (U.S. Silicones, LLC)

Total cost of \$545,000

PUBLIC HEARING – 8-26-08 – 5:30 P.M.

FINANCE COMMITTEE CONTINUED

ACTION

R-08-08-11

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1305-1309 Broadway, Fort Wayne, Indiana 46802 (Old Mill Properties, LLC)

Total cost of \$250,000 – one full-time and two part-time Jobs are expected to be created as a result of the project

TO BE PASSED THIS EVENING

R-08-08-12

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 1305-1309 Broadway, Fort Wayne, Indiana 46802 (Old Mill Properties, LLC)

Total cost of \$250,000

PUBLIC HEARING 8-26-08 – 5:30 P.M.

R-08-08-13

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3810 Fourier Drive, Fort Wayne, Indiana 46818 (CNC Industries, Inc.)

Total cost of \$3,750,000 – 20 full time jobs will be created As a result of the project

TO BE PASSED THIS EVENING

R-08-08-14

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3810 Fourier Drive, Fort Wayne, Indiana 46818 (CNC Industries, Inc.)

Total cost of \$3,750,000

FINANCE COMMITTEE CONTINUED

ACTION

S-08-08-18

**AN ORDINANCE approving the award of Contract between ATOS Origin IT Services, Inc. and the City of Fort Wayne, Indiana, in joint support of the IT needs of the City of Fort Wayne and Allen County, Indiana
Total cost of \$11,866,900.50**

R-08-08-15

**A RESOLUTION approving the purchase of certain real estate for the City of Fort Wayne, Division of City Utilities
Total cost of \$47,000 – property located at 3418 Parnell**

R-08-08-16

**A RESOLUTION approving the purchase of certain real estate for The City of Fort Wayne, Division of City Utilities
Total cost of \$99,500 – 2219 Melbourne Court**

REGULATIONS COMMITTEE

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

G-08-08-17

**AN ORDINANCE to amend Chapter 96: “Noise Control” of the Municipal Code of Ordinances for the City of Fort Wayne
Noise Control and other Sensory Control**

REGULATIONS COMMITTEE CONTINUED

ACTION

Z-08-08-02

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. B-02 (Sec. 12 of Aboite Township)
7900 block of Carnegie Boulevard**

Z-08-08-06

**AN ORDINANCE amending Zoning Map Ordinance Z-17-08
This is a corrected legal description for expansion of the
Innovation Center Technology Park**

G-08-08-03

**AN ORDINANCE for the purpose of vacating a portion of a dedicated
utility easement
4420 Clubview Drive – allow expansion east of the industrial
building**

PUBLIC HEARING - 8-26-08 - 5:30 P.M.

G-08-08-04

**AN ORDINANCE for the purpose of vacating a portion of a
dedicated utility easement
4420 Clubview Drive – allow expansion west of the
Property line**

PUBLIC HEARING 8-26-08 - 5:30 P.M.

G-08-08-05

**AN ORDINANCE amending the Thoroughfare Plan of the City
Comprehensive (“Master”) Plan by vacating public right-of-way
The north and west alley adjacent to 1025 Grant Avenue**

PUBLIC WORKS COMMITTEE

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

ACTION

S-08-08-09

**AN ORDINANCE approving construction contract #7195-08, Oxford Street: Turpie to Wayne Trace - Resolution No. 7195-08 between Hipkind Concrete, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$255,763.25**

TO BE PASSED THIS EVENING

CITY UTILITIES COMMITTEE

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

S-08-08-10

**AN ORDINANCE approving construction contract #2085-2008, General Manhole Rehabilitation between Rawson Contractors and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$127,832**

**ORDINANCES AND RESOLUTIONS
UP FOR PASSAGE**

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

ACTION

R-08-07-22

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” property 4146 Engleton Drive (PolyMod Technologies, Inc.)

**Total cost of \$497,959 – five full time jobs will be created as
A result of the project**

R-08-08-07

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property 3103 Cannongate Drive (U.S. Silicones, LL)

Total cost of \$545,000 – 22 full-time jobs will be created

R-08-08-11

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property 1305-1309 Broadway (Old Mill Properties, LLC)

**Total cost of \$250,000 – one full-time and two part-time
Jobs will be created**

R-08-08-13

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property 3810 Fourier Drive (CNC Industries, Inc.)

**Total cost of \$3,750,000 – 20 full-time jobs will be created
As a result of the project**

FINANCE COMMITTEE CONTINUED

ACTION

DO PASS S-08-07-18
**AN ORDINANCE approving Aboite Annexed Intersections
Street Light Improvements Phase I – Board of Public Works**
Total cost of \$102,450

DO PASS S-08-07-19
**AN ORDINANCE approving Aboite & Carroll Road Annexed
Intersections Street Light Improvements Phase III – Board of
Public Works**
Total cost of \$133,592

DO PASS S-08-07-23
**AN ORDINANCE authorizing and providing the issuance by the
City of Fort Wayne, Indiana, of its variable rate demand Economic
Development Revenue Bonds, Series 2008 (University of Saint
Francis Projects) – financing the construction of a 3-story 40,700
square foot Student Residence Hall**
**Total cost of \$5,400,000 – four full-time and five part-time
Jobs will be created as a result of the project**

DO PASS S-08-07-30
**AN ORDINANCE approving contract between Allen County and
the City of Fort Wayne for shared costs for the use of the Data
Processing Facility**
Total cost of \$259,092

REGULATIONS COMMITTEE

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

ACTION

Z-08-07-20

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-14 (Sec. 35 of Washington Township) and Zoning Map No. L-10 (Sec. 2 of Wayne Township)
Approximately the 1100 to 1700 blocks of Wells Street**

Z-08-07-01

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-30 (Sec. 24 of St. Washington Township)
5110 North Clinton Street, containing 5.27 acres, on the east Side of North Clinton and north side of Medical Park Drive**

DO PASS G-08-04-15 (AS AMENDED) (AS AMENDED)

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

DO PASS G-08-07-02

**AN ORDINANCE for the purpose of vacating a portion of a dedicated utility easement
4620 Clubview Drive - to allow the owner to expand the Existing building to the west**

PUBLIC WORKS COMMITTEE

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

ACTION

S-08-08-09

**AN ORDINANCE approving construction contract – Oxford Street: Turpie to Wayne Trace – Board of Public Works
Total cost of \$255,763.25**

DO PASS

S-08-07-24

**AN ORDINANCE approving contract - Broadway Brick & Walk Restoration – Board of Public Works
Total cost of \$112,515**

DO PASS

S-08-07-26

**AN ORDINANCE approving contract – Burning Tree – Pine Valley Community Concrete Repairs – Board of Public Works
Total cost of \$168,761.21**

CITY UTILITIES COMMITTEE

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

No Ordinances or Resolutions up for passage

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

**SANDRA E. KENNEDY
CITY CLERK**

#1144

BILL NO. G-08-08-03

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE for the purpose of
vacating a portion of a dedicated utility easement.**

WHEREAS, a petition to vacate a portion of a dedicated utility easement within the City of Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and;

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

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

SECTION 1. That the petition filed herein to vacate a portion of a dedicated utility and surface drainage easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

Vacation of a portion of the Utility Easement described in Doc. #201043733 over and across a portion of the parcel of land described in Doc. #97-0011564. A part of the Northwest Quarter of Section 20, Township 30 North, Range 12 East, Wayne Township, Allen County, Indiana; and more particularly described as follows:

Commencing at a railroad spike marking the Northeast corner of the Northwest Quarter of said Section 20; thence South 00 degrees 11 minutes 42 seconds West (basis of bearings from Survey #AL-11404, dated June 19, 2008 by Joel Hoehn), a distance of 1463.08 feet to a 5/8 inch iron pin (rebar) with a surveyor's identification cap "Hoehn" at the intersection of the East line of the Northwest Quarter of said Section 20, and the South right-of-way of Arden Drive; thence continuing South 00 degrees 11 minutes 42 seconds West, a distance of 20.00 feet to the POINT OF BEGINNING of the easement vacation parcel. Thence continuing South 00 degrees 11 minutes 42 seconds West along the East line of said Northwest Quarter, a distance of 303.52 feet to a 5/8 inch iron pin (rebar) with surveyor's identification cap "Anderson"; thence North 90 degrees West, a distance of 20.0 feet; thence North 00 degrees 11 minutes 42 seconds East, parallel with the East line of Northwest Quarter, a distance of 303.52 feet; thence South 90 degrees East, a distance of 20.00 feet to the POINT OF BEGINNING; containing 0.14 acres (6,070 square feet).

and which vacating allows the portion of dedicated utility and surface drainage easement to revert to

the use of the adjacent property owners, is hereby approved.

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

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1145

BILL NO. G-08-08-04

Plat Book No.: 43

Page No: 59

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE for the purpose of
vacating a portion of a dedicated utility easement.**

WHEREAS, a petition to vacate a portion of a dedicated utility easement within the City of Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and;

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

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

SECTION 1. That the petition filed herein to vacate a portion of a dedicated utility and surface drainage easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

Vacation of a portion of the Utility Easement shown on Block 9 in the Plat of Engle Ridge Industrial Park, Section "C" as recorded in Plat Book 43, page 59 in the Office of the Recorder of Allen County, Indiana; Said easement is over and across a portion of the parcel of land described in Doc. #87-010909. A part of the Northwest Quarter of Section 20, Township 30 North, Range 12 East, Wayne Township, Allen County, Indiana; and more particularly described as follows:

Commencing at a railroad spike marking the Northeast corner of the Northwest Quarter of said Section 20; thence South 00 degrees 11 minutes 42 seconds West (basis of bearings from Survey #AL11404, dated June 19, 2008 by Joel Hoehn), a distance of 1463.08 feet to a 5/8 inch iron pin (rebar) with surveyor's identification cap "Hoehn" at the intersection of the East line of the Northwest Quarter of said Section 20, and the South right-of-way of Arden Drive; thence continuing South 00 degrees 11 minutes 42 seconds West, a distance of 73.52 feet to the Northwest corner of Block 9, Engle Ridge Industrial Park, Section "C"; thence continuing 00 degrees 11 minutes 42 seconds West, a distance of 10.00 feet to the POINT OF BEGINNING of the vacation parcel. Thence continuing South 00 degrees 11 minutes 42 seconds West, along the West line of said Block 9, a distance of 230 feet; thence North 90 degrees East, a distance of 20.00 feet; thence North 00 degrees 11 minutes 42 seconds East, parallel with the West line of said Block 9, a distance of 230.00 feet; thence South 90 degrees West, a distance of 20.00 feet to the POINT OF BEGINNING; containing 0.11 acres (4,600 square feet).

and which vacating allows the portion of dedicated utility and surface drainage easement to revert to the use of the adjacent property owners, is hereby approved.

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

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1146

BILL NO. G-08-08-05

**Plat Book No.: 55
Page No: 528 and 529**

GENERAL ORDINANCE NO. G-_____

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

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

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

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

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

The West and North alley adjacent to 1025 Grant Avenue, within the City of Fort Wayne, Indiana. The west alley being seven feet in width and extending the length of the West property line of 1025 Grant Avenue, along the West line of Lots 71, 72, 73, 74, 75, and 76 of Whites 1st Addition, as recorded in Plat Book 55, pages 528 and 529 in the Office of the Recorder of Allen County, Indiana. The North alley being 14 feet in width and extending the length of the North property line of 1025 Grant Avenue, along the North property line of Lot 76 of Whites 1st Addition, as recorded in Plat Book 55, pages 528 and 529 in the Office of the Recorder of Allen County, Indiana.

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

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

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

Bill No. G-08-08-17

**An Ordinance to amend Chapter 96: “Noise Control” of the
Municipal Code of Ordinances for the City of
Fort Wayne, Indiana**

Whereas, the Fort Wayne City Council recognizes that all citizens expect a certain quality of life and respect; and,

Whereas, residents and neighborhoods should be mindful of certain assaults to sensory perceptions such as sound and light intensities; and,

Whereas, the Fort Wayne City Council has recognized a gap in the city’s Municipal Code that can give residents an avenue for relief of such offenses and assaults,

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

Section 1. Chapter 96: “Noise Control” shall be amended to read:

Chapter 96: “Noise Control and other Sensory Control”

Section 2. §96.02: Definitions be amended to add the following definition:

- A. Directional Lighting—any exterior lighting fixture that is placed so as to create a direct path of light aimed toward an object or structure or an exterior lighting fixture that has the capability of swiveling, turning or rotating the aim or direction to the light path including but not limited to spot lights, bullet and/or spot lights.

B. Exterior Lighting—Any directional lighting source that is mounted on or about the exterior of a residential property that emits any level of light, other than a lighting source in a public right-of-way.

Section 3. A new section-- Exterior Lighting--be added with the provision that reads as follows:

§96.25 Use of Exterior Lighting.

Any directional exterior lighting on residential property should be designed, installed and maintained so as to re-direct or aim any directional light away from any adjoining residential property.

Section.4. §96.30: Enforcement, be amended to read as follows:

The Fort Wayne Police Department shall be charged with enforcing all provisions of this chapter. The Fort Wayne Police Department and the Fort Wayne Fire Department shall be charged with enforcing the provisions of §96.20 of this chapter.

Section 5. That this Ordinance shall be in full force and effect after its passage and any and all necessary approval by the Mayor, or an override of a Mayoral veto, and any legal publications required by Indiana law thereof.

Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3103 Cannongate Drive, Fort Wayne, Indiana 46808 (U.S. Silicones, LLC)

WHEREAS, Petitioner has duly filed its petition dated July 3, 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 22 full-time, permanent jobs for a total new, annual payroll of \$800,000, with the average new annual job salary being \$36,364; and

WHEREAS, the total estimated project cost is \$545,000; 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;

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

SECTION 4. That, the estimate of the number of individuals that will be employed

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

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

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

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

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

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

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

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

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

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-08-08-08

CONFIRMING RESOLUTION NO. R-_____

A CONFIRMING RESOLUTION designating an

**“Economic Revitalization Area” under I.C. 6-1.1-12.1
for property commonly known as 3103 Cannongate
Drive, Fort Wayne, Indiana 46808 (U.S. Silicones,
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 22 full-time, permanent jobs for a total additional annual payroll of \$800,000, with the average new annual job salary being \$36,364; and

WHEREAS, the total estimated project cost is \$545,000; 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.

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

SECTION 1. That, the Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1 regarding the failure to designate an area an economic revitalization area before the initiation of development for which U.S. Silicones, LLC desires to claim an economic revitalization area deduction. Such waiver shall be in effect for real and personal property improvements during the period of May 1, 2008 through the date of this resolution and is granted through the authority of I.C. 6-1.1-12.1-9.5, I.C. 6-1.1-12.1-11.3, I.C. 6-1.1-31-1, and 50 I.A.C. 10-4-1(a)(2) and (3).

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

SECTION 3. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on

the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

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

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

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

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.4723/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.4723/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.4723/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.8369/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8369/\$100 (the change would be negligible).

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

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

and that the deduction from the assessed value of the new manufacturing, research and development, logistical distribution and information technology equipment shall be for a period of five years.

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

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

SECTION 10. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

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

- A. The cost and description of real property improvements and/or new manufacturing, research and development, logistical distribution and information technology equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.

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

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

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

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 1305-1309 Broadway, Fort
Wayne, Indiana 46802 (Old Mill Properties, LLC)**

WHEREAS, Petitioner has duly filed its petition dated July 24, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

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

WHEREAS, said project will create one full-time and two part-time, permanent jobs for a total new, annual payroll of \$40,000, with the average new annual job salary being \$13,333 and retain two full-time and four part-time, permanent jobs for a total current annual payroll of \$80,000, with the average current, annual job salary being \$13,333; and

WHEREAS, the total estimated project cost is \$250,000; 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 his designation as an “Economic Revitalization Area” for public hearing;

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 \$2.6321/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6321/\$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 \$2.6321/\$100 (the change would be negligible).

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

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

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

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

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

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 1305-1309 Broadway, Fort
Wayne, Indiana 46802 (Old Mill 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 one full-time and two part-time, permanent jobs for a total additional payroll of \$40,000, with the average new annual job salary being \$13,333 and retain two full-time and four part-time, permanent jobs for a current annual payroll of \$80,000, with the average current annual job salary being \$13,333; and

WHEREAS, the total estimated project cost is \$250,000; 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.

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 \$2.6321/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.6321/\$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 \$2.6321/\$100 (the change would be negligible).

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

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

SECTION 8. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

SECTION 9. The performance report must contain the following information

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

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

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

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

BILL NO. R-08-08-13

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 3810 Fourier Drive, Fort Wayne, Indiana 46818 (CNC Industries, Inc.)

WHEREAS, Petitioner has duly filed its petition dated August 6, 2008 to have the following described property designated and declared an “Economic Revitalization Area” under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and

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

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

and

WHEREAS, said project will create 20 full-time, permanent jobs for a total new, annual payroll of \$650,000, with the average new annual job salary being \$32,500 and retain 60 full-time, permanent jobs for a total current annual payroll of \$2,000,000, with the average current, annual job salary being \$33,333; and

WHEREAS, the total estimated project cost is \$3,750,000; and

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

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

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

SECTION 2. That, upon adoption of the Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an “Economic Revitalization Area”;
- (c) Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an “Economic Revitalization Area” for public hearing;

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

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

installation of new manufacturing, 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 \$2.5511/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5511/\$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 \$2.5511/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (g) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (h) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (i) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (j) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (k) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (l) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).

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

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

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

applicable deductions.

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

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

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3810 Fourier Drive, Fort Wayne, Indiana 46818 (CNC Industries, Inc.)

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

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

WHEREAS, said project will create 20 full-time, permanent jobs for a total additional annual payroll of \$650,000, with the average new annual job salary being \$32,500 and retain 60 full-time, permanent jobs for a current annual payroll of \$2,000,000, with the average current annual job salary being \$33,333; and

WHEREAS, the total estimated project cost is \$3,750,000; 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.

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 manufacturing, 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 manufacturing, logistical distribution and information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing, 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 \$2.5511/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5511/\$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 \$2.5511/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (g) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (h) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (i) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (j) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8800/\$100.
- (k) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8800/\$100 (the change would be negligible).
- (l) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8800/\$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 manufacturing, 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 manufacturing, logistical distribution and information 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 manufacturing, logistical distribution and information 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.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

BILL NO. R-08-08-16

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL ESTATE
FOR THE CITY OF FORT WAYNE, DIVISION
OF CITY UTILITIES.**

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase property located at 2219 MELBOURNE COURT, specifically described in the Purchase Agreement, Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase this property for the flood mitigation plan for the Lawrence Drain; and

WHEREAS, the purchase price for the property is NINETY-NINE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS – (\$99,500.00).

WHEREAS, Sec. 37-19 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any purchase of real estate by the City.

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

SECTION 1. The purchase of real estate by the City of Fort Wayne through its Division of Public Works, located at 2219 MELBOURNE COURT, specifically described in the Purchase Agreement, Exhibit "A," is hereby approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said purchase.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-08-09

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7195-08, OXFORD STREET: TURPIE TO WAYNE TRACE - RESOLUTION NO. 7195-08 between HIPSKIND CONCRETE, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT #7195-08, OXFORD STREET: TURPIE TO WAYNE TRACE - RESOLUTION NO. 7195-08 by and between HIPSKIND CONCRETE, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Construction Contract #7195-08, Oxford Street : Turpie to Wayne Trace - Resolution No. 7195-08;

involving a total cost of TWO HUNDRED TWENTY-FIVE THOUSAND, TWO HUNDRED NINETY-FOUR AND 50/100 DOLLARS - (\$255,294.50).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 12, 2008. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-08-10

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2085-2008, GENERAL MANHOLE REHABILITATION between RAWSON CONTRACTORS and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONSTRUCTION CONTRACT #2085-2008, GENERAL MANHOLE REHABILITATION by and between RAWSON CONTRACTORS and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Rehabilitation of 66 manholes by application of an approved coating system:

involving a total cost of ONE HUNDRED TWENTY-SEVEN THOUSAND, EIGHT HUNDRED THIRTY-TWO AND NO/100 DOLLARS - (\$127,832.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. R-08-08-15

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL ESTATE
FOR THE CITY OF FORT WAYNE, DIVISION
OF CITY UTILITIES.**

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase property located at 3418 PARNELL, specifically described in the Purchase Agreement, Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase this property to build a satellite treatment and storage facility that is part of its long term plan to eliminate combined sewer overflows into the rivers; and

WHEREAS, the purchase price for the property is FORTY-SEVEN THOUSAND AND NO/100 DOLLARS – (\$47,000.00).

WHEREAS, Sec. 37-19 of the City of Fort Wayne Code of Ordinances, requires the Common Council approval of any purchase of real estate by the City.

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

SECTION 1. The purchase of real estate by the City of Fort Wayne through its Division of Public Works, located at 3418 PARNELL, specifically described in the Purchase Agreement, Exhibit "A," is hereby approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said purchase.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-08-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the award of Contract between ATOS Origin IT Services Inc. and the City of Fort Wayne, Indiana, in joint support of the IT needs of the City of Fort Wayne and Allen County, Indiana

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

SECTION 1. That the Five (5) Year Contract, commencing January 1, 2009, by and between ATOS Origin IT Services Inc. and the City of Fort Wayne, Indiana, in joint support of the City of Fort Wayne and Allen County Indiana, is hereby approved in all respects. This approval is for the City's financial portion of this contract in an amount of Eleven million, eight hundred sixty-six thousand, nine hundred dollars and fifty cents (\$11,866,900.50). This approval of the award of this Contract is contingent upon Allen County taking all action necessary to approve the funding of an equal portion of this Contract.

SECTION 2. That the City is authorized and directed to take all action necessary and proper for the formation of a contract with ATOS Origin IT Services Inc.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-08-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving RESOLUTION #95-7-2-08-1, GREENWAY: TOWPATH TRAIL PHASE 2B CONSTRUCTION between WAYNE ASPHALT and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the RESOLUTION #95-7-2-08-1, GREENWAY: TOWPATH TRAIL PHASE 2B CONSTRUCTION by and between WAYNE ASPHALT and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for RESOLUTION #95-7-2-08-1, GREENWAY: TOWPATH TRAIL PHASE 2 B CONSTRUCTION;

involving a total cost of ONE MILLION, ONE HUNDRED SIXTEEN THOUSAND, TWO HUNDRED FIFTY-NINE AND 20/100 DOLLARS - (\$1,116,259.20).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 12, 2008. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-08-08-20

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving IMPROVEMENT RESOLUTION #1913-2007, CSO 017 AND CSO 021 FLOATABLES CONTROL between R. E. CROSBY, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the IMPROVEMENT RESOLUTION #1913-2007, CSO 017 AND CSO 021 FLOATABLES CONTROL by and between R. E. CROSBY, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for IMPROVEMENT RESOLUTION #1913-2007, CSO 017 AND CSO 021 FLOATABLES CONTROL;

involving a total cost of FIVE HUNDRED THIRTY-TWO THOUSAND, FOUR HUNDRED FIFTEEN AND NO/100 DOLLARS - (\$532,415.00).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 12, 2008. Said copy is on file in the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

#1143

BILL NO. Z-08-08-02

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. B-02 (Sec. 12 of Aboite 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 CM1 (Professional Office and Personal Service)
District under the terms of Chapter 157 Title XV of the Code
of the City of Fort Wayne, Indiana:

Part of the Northwest Quarter of Section 12, Township 30
North, Range 11 East of the Second Principal Meridian in Allen
County, Indiana, more particularly described as follows:

Commencing at a PK Nail at the Northwest corner of said
Northwest Quarter; thence North 88 degrees 58 minutes 45
seconds East (assumed bearing and basis of bearings to
follow), a distance of 671.66 feet along the North line of
said Northwest Quarter and within the right-of-way of State
Road 14 to the East line of the West Half of the West Half of
said Northwest Quarter; thence South 00 degrees 11 minutes 24
seconds West, a distance of 658.36 feet along said East line
to the POINT OF BEGINNING of the herein described tract;
thence continuing South 00 degrees 11 minutes 24 seconds West,
a distance of 294.29 feet along said East line to a 5/8 inch
rebar with "Karst" identification cap found on the North line
of an existing 20.703 acre tract; thence North 89 degrees 47
minutes 47 seconds West, a distance of 285.23 feet along said
North line to a 5/8 inch steel rebar with "Karst"
identification cap found on the Northeasterly line of said
existing 20.703 acre tract; thence North 29 degrees 50 minutes
40 seconds West, a distance of 270.77 feet along said
Northeasterly line to a 5/8 inch steel rebar with "Karst"
identification cap found on the Easterly right-of-way line of
Carnegie Boulevard, said point being a point of curvature of a
non-tangent curve concave to the Northwest, having a radius of
620.00 feet; thence Northeasterly along said curve and along
said Easterly right-of-way line, a distance of 116.88 feet,
having of central angle of 10 degrees 48 minutes 05 seconds
and a chord of 116.71 feet bearing North 54 degrees 45 minutes
17 seconds East to a 5/8 inch steel rebar with "Karst Firm
#0073" identification cap set on a tangent curve concave to
the Northwest, having a radius of 380.00 feet; thence
Northeasterly along said curve and along said Easterly right-

of-way line, a distance of 126.86 feet, having a central angle of 19 degrees 07 minutes 42 seconds and a chord of 126.28 feet bearing North 39 degrees 47 minutes 24 seconds East to a 5/8 inch rebar with "Karst Firm #0073" identification cap set on a South line of an ingress and egress easement described in Document Number 202077611 in the Office of the Recorder of Allen County, Indiana, said point also being on a tangent curve concave to the Southeast, having a radius of 20.00 feet; thence Northeasterly along said curve and said South line, a distance of 30.46 feet, having a central angle of 87 degrees 16 minutes 23 seconds and a chord of 27.60 feet bearing North 73 degrees 51 minutes 44 seconds East to a 5/8 inch steel rebar with "Karst Firm #0073" identification cap set at the point of tangency; thence South 62 degrees 30 minutes 04 seconds East, a distance of 246.11 feet along the South line of said ingress and egress easement to the POINT OF BEGINNING. Containing 2.862 acres, more or less. Subject to easements of record.

Subject to:

A Non-Exclusive Easement for ingress and egress over the real estate described in that certain Grant of Roadway and Utility Easement dated June 25, 2002 and recorded June 28, 2002 as Document Number 202050859.

Subject to:

A Non-Exclusive easement for ingress and egress over the real estate described in that certain Grant of Roadway and Utility Easement dated September 26, 2002 as Document Number 202077611.

and the symbols of the City of Fort Wayne Zoning Map No. B-02 (Sec. 12 of

Aboite 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

#1137

BILL NO. Z-08-08-06

ORDINANCE NO. Z-_____

AN ORDINANCE amending Zoning Map Ordinance Z-17-08

WHEREAS, Common Council previously passed Ordinance Z-17-08, an amendment to the City of Fort Wayne Zoning Map No. R-30 (Sec. 20 of St. Joseph Township) to designate the area IN2 (General Industrial);

WHEREAS, the legal description provided in Ordinance Z-17-08 was incorrect; and the correct legal description for Ordinance Z-17-08 is provided as follows:

DESCRIPTION - TRACT I

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 13 EAST IN ALLEN COUNTY, INDIANA, BEING CONTAINED ENTIRELY WITHIN THE BOUNDARIES OF A 26.84 ACRE TRACT OF LAND NOW (OR FORMERLY) OWNED BY INDIANA PURDUE FOUNDATION AT FORT WAYNE - PARCEL "B" AS RECORDED ON DOCUMENT #202079841 AS RECORDED IN THE OFFICE OF THE ALLEN COUNTY, INDIANA RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 13 EAST, SECOND PRINCIPAL MERIDIAN, SAINT JOSEPH TOWNSHIP, ALLEN COUNTY, INDIANA, AS MARKED BY A BRASS PIN; THENCE SOUTH 87 DEGREES 11 MINUTES 43 SECONDS WEST, BASIS OF BEARINGS (THE RECORD BEARING BEING NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR THE SOUTH LINE OF SAID SOUTHWEST QUARTER), ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND WITHIN THE RIGHT OF WAY OF STELLHORN ROAD, A DISTANCE OF 1392.39 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "B" AND THE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUING SOUTH 87 DEGREES 11 MINUTES 43 SECONDS WEST, ALONG THE SOUTH QUARTER SECTION LINE AND WITHIN THE RIGHT OF WAY OF STELLHORN ROAD, A DISTANCE OF 293.69 FEET; THENCE NORTH 03 DEGREES 11 MINUTES 19 SECONDS WEST, 56.00 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "SCO"; THENCE CONTINUING NORTH 03 DEGREES 11 MINUTES 19 SECONDS WEST, 582.71 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTH 86 DEGREES 48 MINUTES 41 SECONDS WEST, 556.05 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTH 03 DEGREES 11 MINUTES 19 SECONDS WEST, 234.46 FEET TO A SURVEY MARKER NAIL WITH A WASHER STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT" AT THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT BEING ON THE NORTHERLY BOUNDARY OF SAID PARCEL "B"; THENCE EASTERLY, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "B", AND A CURVE HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 44.22 FEET AND SUBTENDED BY A CHORD BEARING NORTH 74 DEGREES 38 MINUTES 17 SECONDS EAST, A

CHORD LENGTH OF 44.21 FEET TO THE POINT OF TANGENCY BEING MARKED BY AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTH 72 DEGREES 49 MINUTES 41 SECONDS EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "B", A DISTANCE OF 55.78 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT BEING MARKED BY AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE EASTERLY, ALONG THE NORTHERLY LINE OF SAID PARCEL "B" AND A CURVE TO THE RIGHT HAVING A RADIUS OF 800.00 FEET AN ARC LENGTH OF 196.68 FEET AND SUBTENDED BY A CHORD BEARING NORTH 79 DEGREES 52 MINUTES 17 SECONDS EAST, A CHORD LENGTH OF 196.19 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTH 86 DEGREES 54 MINUTES 52 SECONDS EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "B", A DISTANCE OF 651.52 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTH 00 DEGREES 42 MINUTES 23 SECONDS EAST, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL "B", A DISTANCE OF 281.38 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT BEING MARKED BY AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTHERLY, ALONG SAID EASTERLY BOUNDARY OF SAID PARCEL "B" AND A CURVE HAVING A RADIUS OF 650.00 FEET, AN ARC LENGTH OF 177.47 FEET AND SUBTENDED BY A CHORD BEARING SOUTH 07 DEGREES 06 MINUTES 56 SECONDS WEST, A CHORD LENGTH OF 176.92 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTH 14 DEGREES 56 MINUTES 16 SECONDS WEST, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL "B", A DISTANCE OF 41.37 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT; THENCE SOUTHERLY, ALONG SAID EASTERLY BOUNDARY OF SAID PARCEL "B" AND A CURVE HAVING A RADIUS OF 750.00 FEET, AN ARC LENGTH OF 237.28 FEET AND SUBTENDED BY A CHORD BEARING SOUTH 05 DEGREES 52 MINUTES 26 SECONDS WEST, A CHORD LENGTH OF 236.29 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTH 03 DEGREES 11 MINUTES 24 SECONDS EAST, ALONG THE EASTERLY BOUNDARY OF SAID PARCEL "B", A DISTANCE OF 192.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.62 ACRES, MORE OR LESS.

EXCEPTION THEREFROM:

THAT PORTION OF LAND PREVIOUSLY CONVEYED TO THE INDIANA STATE HIGHWAY COMMISSION AS DESCRIBED ON DOCUMENT #92-006896 IN THE RECORDS OF THE OFFICE OF THE ALLEN COUNTY, INDIANA RECORDER, CONTAINING 0.05 OF AN ACRE, MORE OR LESS.

SUBJECT TO RIGHT OF WAY FOR STELLHORN ROAD (FORMERLY INDIANA STATE ROAD #37).

ALSO SUBJECT TO EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

ALSO SUBJECT TO COVENANTS DESCRIBED IN A QUITCLAIM DEED FROM THE FORT WAYNE REDEVELOPMENT COMMISSION TO THE INDIANA PURDUE FOUNDATION AT FORT WAYNE, DATED SEPTEMBER 30, 2002, RECORDED OCTOBER 5, 2002, AS DOCUMENT #202079841 IN THE RECORDS OF THE OFFICE OF THE ALLEN COUNTY, INDIANA RECORDER.

DESCRIPTION - TRACT II

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 13 EAST IN ALLEN COUNTY, INDIANA, BEING CONTAINED ENTIRELY WITHIN THE BOUNDARIES OF A 24.98 ACRE TRACT OF LAND NOW (OR FORMERLY) OWNED BY INDIANA PURDUE FOUNDATION AT FORT WAYNE - PARCEL "A" AS RECORDED

ON DOCUMENT #202079841 AS RECORDED IN THE OFFICE OF THE ALLEN COUNTY, INDIANA RECORDER, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 13 EAST, SECOND PRINCIPAL MERIDIAN, SAINT JOSEPH TOWNSHIP, ALLEN COUNTY, INDIANA, AS MARKED BY A BRASS PIN; THENCE SOUTH 87 DEGREES 11 MINUTES 43 SECONDS WEST, BASIS OF BEARINGS (THE RECORD BEARING BEING NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST FOR THE SOUTH LINE OF SAID SOUTHWEST QUARTER), ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER AND WITHIN THE RIGHT OF WAY OF STELLHORN ROAD, A DISTANCE OF 1332.39 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE NORTH 03 DEGREES 11 MINUTES 24 SECONDS WEST, ALONG THE WESTERLY BOUNDARY OF SAID PARCEL "A", A DISTANCE OF 192.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, MARKED BY AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTHERLY, ALONG THE WESTERLY BOUNDARY OF SAID PARCEL "A" AND A CURVE HAVING A RADIUS OF 690.00 FEET AND ARC LENGTH OF 218.30 FEET AND SUBTENDED BY A CHORD BEARING NORTH 05 DEGREES 52 MINUTES 26 SECONDS EAST, A CHORD LENGTH OF 217.39 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTH 14 DEGREES 56 MINUTES 16 SECONDS EAST, ALONG THE WESTERLY BOUNDARY OF SAID PARCEL "A", A DISTANCE OF 41.37 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, BEING MARKED BY AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTHERLY, ALONG THE WESTERLY BOUNDARY OF SAID PARCEL "A" AND A CURVE HAVING A RADIUS OF 710.00 FEET, AN ARC LENGTH OF 193.85 FEET AND SUBTENDED BY A CHORD BEARING NORTH 07 DEGREES 06 MINUTES 56 SECONDS EAST, A CHORD LENGTH OF 193.25 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTH 00 DEGREES 42 MINUTES 23 SECONDS WEST, ALONG THE WESTERLY BOUNDARY OF SAID PARCEL "A", A DISTANCE OF 283.87 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTH 86 DEGREES 54 MINUTES 47 SECONDS EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "A", 178.43 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTH 08 DEGREES 05 MINUTES 13 SECONDS EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "A", A DISTANCE OF 8.00 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTH 86 DEGREES 54 MINUTES 47 SECONDS EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "A", 310.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT; THENCE SOUTHEASTERLY, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "A" AND A CURVE HAVING A RADIUS OF 100.00 FEET, AN ARC LENGTH OF 48.37 FEET AND SUBTENDED BY A CHORD BEARING SOUTH 79 DEGREES 13 MINUTES 48 SECONDS EAST, A CHORD LENGTH OF 47.90 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTH 65 DEGREES 22 MINUTES 23 SECONDS EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "A", A DISTANCE OF 288.42 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT MARKED BY AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTHEASTERLY, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "A" AND A CURVE HAVING A RADIUS OF 300.00 FEET, AN ARC LENGTH OF 145.65 FEET AND SUBTENDED BY A CHORD BEARING SOUTH 79 DEGREES 16 MINUTES 54 SECONDS EAST, A CHORD LENGTH OF 144.23 FEET TO AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE NORTH 86 DEGREES 48 MINUTES 20 SECONDS EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL "A", A DISTANCE OF 309.69 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER, MARKED BY AN IRON REBAR STAKE WITH A PLASTIC CAP STAMPED "FORESIGHT CONSULTING LLC - BOUNDARY POINT"; THENCE SOUTH 03 DEGREES 05 MINUTES 21 SECONDS EAST, ALONG SAID EAST QUARTER SECTION LINE, A DISTANCE OF 740.00 FEET

TO THE POINT OF BEGINNING.

CONTAINING 24.84 ACRES, MORE OR LESS.

SUBJECT TO RIGHT OF WAY FOR STELLHORN ROAD (FORMERLY INDIANA STATE ROAD #37).

ALSO SUBJECT TO EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

ALSO SUBJECT TO COVENANTS DESCRIBED IN A QUITCLAIM DEED FROM THE FORT WAYNE REDEVELOPMENT COMMISSION TO THE INDIANA PURDUE FOUNDATION AT FORT WAYNE, DATED SEPTEMBER 30, 2002, RECORDED OCTOBER 5, 2002, AS DOCUMENT #202079841 IN THE RECORDS OF THE OFFICE OF THE ALLEN COUNTY, INDIANA RECORDER.

DESCRIPTION - PARCEL 1-C - SIRLIN DRIVE

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 13 EAST IN ALLEN COUNTY, INDIANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 13 EAST IN ALLEN COUNTY, INDIANA; THENCE NORTH 90 DEGREES 00 MINUTE WEST (BEARING BASIS FOR DESCRIPTION) ALONG THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 1332.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 90 DEGREES 00 MINUTE WEST ALONG SAID SOUTH LINE, A DISTANCE OF 60.00 FEET; THENCE NORTH 00 DEGREE 00 MINUTE EAST, A DISTANCE OF 201.96 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 750.00 FEET, AN ARCH LENGTH OF 237.28 FEET AND BEING SUBTENDED BY A CHORD OF 236.29 FEET BEARING NORTH 09 DEGREES 03 MINUTES 49 SECONDS EAST; THENCE NORTH 18 DEGREES 07 MINUTES 37 SECONDS EAST, A DISTANCE OF 41.37 FEET TO A POINT OF CURVE TO THE LEFT; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 650.00 FEET, AN ARC LENGTH OF 177.47 FEET AND BEING SUBTENDED BY A CHORD OF 176.92 FEET BEARING NORTH 10 DEGREES 18 MINUTES 19 SECONDS EAST; THENCE NORTH 02 DEGREES 29 MINUTES 00 SECOND EAST, A DISTANCE OF 281.38 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 49 SECONDS EAST, A DISTANCE OF 60.05 FEET;; THENCE SOUTH 02 DEGREES 29 MINUTES 00 SECOND WEST, A DISTANCE OF 283.87 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 710.00 FEET, AN ARC LENGTH OF 193.85 FEET AND BEING SUBTENDED BY A CHORD OF 193.25 FEET BEARING SOUTH 10 DEGREES 18 MINUTES 19 SECONDS WEST; THENCE SOUTH 18 DEGREES 07 MINUTES 37 SECONDS WEST, A DISTANCE 41.37 FEET TO A POINT OF CURVE TO THE LEFT; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET, AN ARC LENGTH OF 218.30 FEET AND BEING SUBTENDED BY A CHORD OF 217.39 FEET BEARING SOUTH 09 DEGREES 03 MINUTES, 49 SECONDS WEST, THENCE SOUTH 00 DEGREE 00 MINUTE WEST, A DISTANCE OF 201.96 FEET TO THE POINT OF BEGINNING, CONTAINING 1.29 ACRES, MORE OR LESS.

CONTAINING 1.29 ACRES, MORE OR LESS.

SUBJECT TO RIGHT OF WAY FOR STELLHORN ROAD (FORMERLY INDIANA STATE ROAD #37).

ALSO SUBJECT TO EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

ALSO SUBJECT TO COVENANTS DESCRIBED IN A QUITCLAIM DEED FROM THE FORT WAYNE REDEVELOPMENT COMMISSION TO THE INDIANA PURDUE FOUNDATION AT FORT WAYNE, DATED SEPTEMBER 30, 2002, RECORDED OCTOBER 5, 2002, AS DOCUMENT #202079841 IN THE RECORDS OF THE OFFICE OF THE ALLEN COUNTY, INDIANA RECORDER.

DESCRIPTION - PARCEL 1-D - DEAN DRIVE

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 31 NORTH, RANGE 13 EAST IN ALLEN COUNTY, INDIANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 30 NORTH, RANGE 13 EAST IN ALLEN COUNTY, INDIANA ALONG THE WEST LINE OF SAID SOUTHWEST ONE QUARTER; THENCE NORTH 00 DEGREE 25 MINUTES 41 SECONDS EAST (BEARING BASIS FOR DESCRIPTION) ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER, A DISTANCE OF 875.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREE 25 MINUTES 41 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 60.00 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 19 SECONDS EAST, A DISTANCE OF 256.27 FEET TO A POINT OF CURVE TO THE LEFT; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 640.00 FEET, AN ARC LENGTH OF 160.98 FEET AND BEING SUBTENDED BY A CHORD OF 160.55 FEET BEARING NORTH 83 DEGREES 13 MINUTES 21 SECONDS EAST; THENCE NORTH 76 DEGREES 01 MINUTES 00 SECOND EAST, A DISTANCE OF 55.78 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 860.00 FEET, AN ARC LENGTH OF 211.43 FEET AND BEING SUBTENDED BY A CHORD OF 210.90 FEET BEARING NORTH 83 DEGREES 03 MINUTES 35 SECONDS EAST; THENCE SOUTH 89 DEGREES 53 MINUTES 49 SECONDS EAST, A DISTANCE OF 711.57 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 11 SECONDS WEST, A DISTANCE OF 60.00 FEET; THENCE NORTH 89 DEGREES 53 MINUTES 49 SECONDS WEST, A DISTANCE OF 711.57 FEET TO A POINT OF CURVE TO THE LEFT; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 800.00 FEET, AN ARC LENGTH OF 196.68 FEET AND BEING SUBTENDED BY A CHORD OF 196.19 FEET BEARING SOUTH 83 DEGREES 03 MINUTES 35 SECONDS WEST; THENCE SOUTH 76 DEGREES 01 MINUTE 00 SECOND WEST, A DISTANCE OF 55.78 FEET TO A POINT OF CURVE TO THE RIGHT; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 176.07 FEET, AND BEING SUBTENDED BY A CHORD OF 175.60 FEET BEARING SOUTH 83 DEGREES 13 MINUTES 21 SECONDS WEST; THENCE NORTH 89 DEGREES 34 MINUTES 19 SECONDS WEST, A DISTANCE OF 256.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.92 ACRES, MORE OR LESS.

SUBJECT TO RIGHT OF WAY FOR STELLHORN ROAD (FORMERLY INDIANA STATE ROAD #37).

ALSO SUBJECT TO EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

ALSO SUBJECT TO COVENANTS DESCRIBED IN A QUITCLAIM DEED FROM THE FORT WAYNE REDEVELOPMENT COMMISSION TO THE INDIANA PURDUE FOUNDATION AT FORT WAYNE, DATED SEPTEMBER 30, 2002, RECORDED OCTOBER 5, 2002, AS DOCUMENT #202079841 IN THE RECORDS OF THE OFFICE OF THE ALLEN COUNTY, INDIANA RECORDER.

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

SECTION 1. That the legal description for Ordinance Z-17-08 is hereby amended and approved.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

