

COMMITTEE SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

JULY 22, 2008

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

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

PRESIDING OVER THE STANDING
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER
PRESIDENT

SECRETARY OF THE COMMITTEE
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

LEGAL ADVISOR TO MEMBERS
OF THE COMMON COUNCIL

JOSEPH G. BONAHOOM
COUNCIL ATTORNEY

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

ORDER OF THE AGENDA

1. ROLL CALL

2. LEGAL PUBLIC HEARINGS – PAGES 3 AND 4

3. PRIOR APPROVAL REQUESTS – PAGE 5

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

LEGAL PUBLIC HEARINGS

FINANCE COMMITTEE

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

R-08-07-11

**A CONFIRMING RESOLUTION amending R-96-05 an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for property
commonly known as 9910 Dupont Circle Drive East, Fort Wayne,
Indiana 46825 (TransWorks)**

**Total cost of \$4,646,565 – the amendment will allow them to
Continue to receive personal property tax abatement on the
equipment that they will purchase and install**

R-08-07-17

**A CONFIRMING RESOLUTION designating an “Economic
Revitalization Area” under I.C. 6-1.1-12.1 for property commonly
known as unassigned, 5.446 acres in Coldwater Centre (southeast
corner of Wallen and Coldwater Roads), Fort Wayne, Indiana
46825 (CCJ Enterprises, LLC/Three Rivers Dermatology)**

**Total cost of \$2,500,000 – they are relocating its practice to a
new 17,000 square foot medical office building – 13 full-
time and 19 part-time jobs will be created as a result of the
project**

LEGAL PUBLIC HEARINGS CONTINUED

REGULATIONS COMMITTEE

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

G-08-07-02

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

**4620 Clubview Drive - a portion of the 14 foot wide utility
will be vacated and the owner will be able to expand the
existing building**

PRIOR APPROVAL REQUESTS

PUBLIC WORKS COMMITTEE

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

“PRIOR APPROVAL REQUEST” Aqua Indiana Connection #27 (Copper Run Extended – Carroll Road) – contract was awarded to All Star Construction in the amount of \$300,747.01

“PRIOR APPROVAL REQUEST” Butler Road & Hillegas Road Improvements – contract was awarded to Brooks Construction in the amount of \$601,983

ORDINANCES AND RESOLUTIONS UP FOR
DISCUSSION

FINANCE COMMITTEE

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

ACTION

R-08-07-11

A CONFIRMING RESOLUTION amending R-96-05 an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 9910 Dupont Circle Drive East, Fort Wayne, Indiana

46825 (TransWorks)

Total cost of \$ 4,646,565 – the amendment will allow them to

Receive personal property tax abatement on the equipment that they will purchase and install

R-08-07-17

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as unassigned, 5.446 acres in Coldwater Centre (southeast corner of Wallen and Coldwater Roads), Fort Wayne, Indiana 46825 (CCJ Enterprises, LLC/Three Rivers Dermatology)

Total cost of \$2,500,000 – to more effectively serve its Patients, they are relocating to a new 17,000 square foot medical office building. 13 full-time and 19 part-time jobs will be created as a result of the project

FINANCE COMMITTEE

CONTINUED

ACTION

R-08-07-21

A DECLARATORY 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.)

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

REGUATIONS COMMITTEE

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

G-08-07-02

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

A 14 foot wide easement will be vacated and the owner will Be able to expand the existing building - 4620 Clubview Drive

PUBLIC WORKS COMMITTEE

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

No Ordinances or Resolutions up for discussion

CITY UTILITIES COMMITTEE

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

ACTION

No Ordinances or Resolutions up for discussion

REGULAR SESSION

AGENDA

FORT WAYNE COMMON COUNCIL

JULY 22, 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 ADVISORS 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 –
REGULATORY RESOLUTIONS (11)**
- 2. FROM THE DEPARTMENT OF
PLANNING SERVICES – (1) ZONING AMENDMENT**

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

S-08-07-18

**AN ORDINANCE approving Improvement Resolution No. 316-08 – Aboite Annexed Intersections Street Light Improvements Phase I between Lights & Signals, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$102,450**

S-08-07-19

**AN ORDINANCE approving Improvement Resolution No. 319-08 – Aboite & Carroll Road Annexed Intersections Street Light Improvements Phase III between Lights & Signals, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$133,592**

S-08-07-23

AN ORDINANCE authorizing and providing for the issuance by the City of Fort Wayne, Indiana of its variable rate demand Economic Development Revenue Bonds, Series 2008, (University of Saint Francis Project) for the purpose of refunding prior obligations of the issuer issued for the benefit of University of Saint Francis of Fort Wayne, Indiana, Inc. an Indiana Not-For-Profit Corporation (“Borrower”) and financing the construction and equipping of a 3-story 40,700 square foot student residence hall.

FINANCE COMMITTEE

CONTINUED

ACTION

S-08-07-28

AN ORDINANCE authorizing the issuance and sale of additional County Economic Development Income Tax Revenue Bonds of the City payable solely from County Economic Development Income Tax Revenues to be received by the City in the principal amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000) and the issuance and sale of bond anticipation notes for the purpose of financing costs of proposed Economic Development Projects of the City, together with expenses in connection with the issuance of bonds and bond anticipation notes

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 costs of all or any portion of a proposed project of the City.

S-08-07-30

**AN ORDINANCE approving contract with Affiliated Computer Services 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**

FINANCE COMMITTEE CONTINUED

ACTION

R-08-07-21

**A DECLARATORY 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**

TO BE PASSED THIS EVENING

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 \$49,959**

PUBLIC HEARING 8-12-08 – 5:30 P.M.

REGULATIONS COMMITTEE

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

Z-08-07-20

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

PUBLIC WORKS COMMITTEE

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

ACTION

S-08-07-26

AN ORDINANCE approving construction contract #7183-2008, Burning Tree - Pine Valley Community Concrete Repairs between Primco, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$168,761.21

S-08-07-25

AN ORDINANCE approving construction contract #7169-2008, Butler Road & Hillegas Road Improvements between Brooks Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$601,983

S-08-07-24

AN ORDINANCE approving construction contract #7192-08, Broadway Brick & Walk Restoration - Resolution #7192-08K, Work Order #1178 between Key Concrete, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$112,515

CITY UTILITIES COMMITTEE

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

ACTION

S-08-07-27

**AN ORDINANCE approving Aqua Indiana Connection #27-Copper Run Extended (Carroll Road), Res. #2087-2008, W.O. #65824 between All Star Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$300,747.01**

**ORDINANCES AND RESOLUTIONS
UP FOR PASSAGE**

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

ACTION

R-08-07-11

**A CONFIRMING RESOLUTION amending R-96-05 an
“Economic Revitalization Area” property 9910 Dupont Circle
Drive East (TransWorks)**

**Total cost of \$4,646,565 – amendment will allow them to
Continue to receive personal property tax abatement on the
equipment that they will purchase and install**

R-08-07-17

**A CONFIRMING RESOLUTION designating an “Economic
Revitalization Area” property unassigned, 5.446 acres in
Coldwater Centre (southeast corner of Wallen and Coldwater
Roads (CCJ Enterprises, LLC/Three Rivers Dermatology)**

**Total cost of \$2,500,000 – to serve its patients they are
Relocating its practice to a new 17,000 square foot building
– 13 full-time and 19 part-time jobs will be created as a
result of the project**

R-08-07-21

**A DECLARATORY 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 result of the project**

FINANCE COMMITTEE

CONTINUED

ACTION

DO PASS S-08-07-05
AN ORDINANCE approving the awarding – Buckner Park Safety Surface – for the Parks and Recreation Department
Total cost of \$102,980.80

DO PASS S-08-07-09
AN ORDINANCE certifying and approving the need for services of a consultant to assist in the Public Works Transportation Improvement Program (TIP)
Total cost of on an annual basis, will be in excess of \$100,000

DO PASS S-08-07-12
AN ORDINANCE approving services of a consultant to develop the Fort Wayne Rain Garden – Board of Public Works
Total cost of \$178,900

DO PASS R-08-06-03
A RESOLUTION confirming an approving order of the Fort Wayne City Plan Commission and the Fort Wayne Redevelopment Commission concerning Amendment I, East Illinois Road Economic Development Area

DO PASS R-08-07-10
A RESOLUTION approving the purchase of certain real estate for the City of Fort Wayne, Division of Public Works
2034 Ardmore Avenue – purchase price will exceed \$100,000

REGULATIONS COMMITTEE

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

ACTION

G-08-07-02

**AN ORDINANCE for the purpose of vacating a portion of a dedicated utility easement
4620 Clubview 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 NOT PASS

G-08-06-19

AN ORDINANCE amending Chapter 35: Fire Department of the City of Fort Wayne, Indiana, Code of Ordinances to establish the Fort Wayne Fire Department Merit Commission

DO PASS

R-08-07-06

A RESOLUTION approving credit for past service with another Indiana Political Subdivision for Mary B. Lopez and Rosie Guzman

PUBLIC WORKS COMMITTEE

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

ACTION

DO PASS S-08-07-03
**AN ORDINANCE approving construction contract – Concrete Street
Repairs – Board of Public Works**
Total cost of \$136,840

DO PASS S-08-07-04
**AN ORDINANCE approving construction contract – Kenwood-
Glenhurst Concrete Street Repairs – Board of Public Works**
Total cost of \$110,489

DO PASS S-08-07-14
**AN ORDINANCE approving construction contract #7176-08,
Rainer Pass and Trevina Court - Board of Public Works**
Total cost of \$137,557

DO PASS S-08-07-15
**AN ORDINANCE approving construction contract #7186-08,
Westwood Valley Lincoln Park Concrete, Inc. – Board of Public
Works**
Total cost of \$135,491

CITY UTILITIES COMMITTEE

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

ACTION

DO PASS S-08-07-13

**AN ORDINANCE approving construction contract Flood Control
Program: Westbrook Area – Board of Public Works
Total cost of \$237,025**

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

**SANDRA E. KENNEDY
CITY CLERK**

**A DECLARATORY 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.)**

WHEREAS, Petitioner has duly filed its petition dated July 8, 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 five full-time, permanent jobs for a total new, annual payroll of \$130,000, with the average new annual job salary being \$26,000 and retain 17 full-time, permanent jobs for a total current annual payroll of \$768,736, with the average current, annual job salary being \$45,220; and

WHEREAS, the total estimated project cost is \$497,959; and

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

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

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

SECTION 2. That, upon adoption of the Resolution:

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

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

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to both a deduction of the assessed value of real estate and personal property for new manufacturing 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 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 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 \$2.5377/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5377/\$100 (the change would be negligible).

- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.5377/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.9183/\$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 \$2.9183/\$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 \$2.9183/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.9183/\$100.
- (h) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9183/\$100 (the change would be negligible).
- (i) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9183/\$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 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 4146 Engleton Drive, Fort Wayne, Indiana 46804 (PolyMod Technologies, 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 five full-time, permanent jobs for a total additional annual payroll of \$130,000, with the average new annual job salary being \$26,000 and retain 17 full-time, permanent jobs for a current annual payroll of \$768,736, with the average current annual job salary being \$45,220; and

WHEREAS, the total estimated project cost is \$497,959; and

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

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

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

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

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

SECTION 2. That, the hereinabove described property is hereby declared an “Economic Revitalization Area” pursuant to I.C. 6-1.1-12.1, said designation to begin on

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

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new manufacturing 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 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 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 \$2.5377/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.5377/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.5377/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$2.9183/\$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 \$2.9183/\$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 \$2.9183/\$100 (the change would be negligible).

- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.9183/\$100.
- (h) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.9183/\$100 (the change would be negligible).
- (i) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.9183/\$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 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 and information technology equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

SECTION 9. For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was

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

SECTION 10. The performance report must contain the following information:

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

SECTION 11. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

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

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

BILL NO. S-08-07-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving IMPROVEMENT RESOLUTION NO.: 316-08 - ABOITE ANNEXED INTERSECTIONS STREET LIGHT IMPROVEMENTS PHASE I between LIGHTS & SIGNALS, 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 NO.: 316-08 - ABOITE ANNEXED INTERSECTIONS STREET LIGHT IMPROVEMENTS PHASE I by and between LIGHTS & SIGNALS, 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 installation of 26 ornamental street lights with underground wiring at intersections in the following additions: Emerald Lake Addition; Covington Place Addition and Covington Lake Estates:

involving a total cost of ONE HUNDRED TWO THOUSAND, FOUR HUNDRED FIFTY AND NO/100 DOLLARS - (\$102,450.00). 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. S-08-07-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving IMPROVEMENT RESOLUTION NO.:319-08 - ABOITE & CARROLL ROAD ANNEXED INTERSECTIONS STREET LIGHT IMPROVEMENTS PHASE III between LIGHTS & SIGNALS, 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 NO.:319-08 - ABOITE & CARROLL ROAD ANNEXED INTERSECTIONS STREET LIGHT IMPROVEMENTS PHASE III by and between LIGHTS & SIGNALS, 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 install 58 ornamental street lights with underground wiring at intersections in the following additions: Carroll Estates; Miller Ridge; Glens of Liberty Mills; North Shores; The Shores; Haverhill; Skyhill Estates; Liberty Hills; Liberty Hills West; and Somerset Acres. Also replacement of underground conduit and wiring at 4314 Dalewood Drive and 1236 Summit Street:

involving a total cost of ONE HUNDRED THIRTY-THREE THOUSAND, FIVE HUNDRED NINETY-TWO AND NO/100 DOLLARS - (\$133,592.00). 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

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE CITY OF FORT WAYNE, INDIANA OF ITS VARIABLE RATE DEMAND ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2008 (UNIVERSITY OF SAINT FRANCIS PROJECT) FOR THE PURPOSE OF REFUNDING PRIOR OBLIGATIONS OF THE ISSUER ISSUED FOR THE BENEFIT OF UNIVERSITY OF SAINT FRANCIS OF FORT WAYNE, INDIANA, INC., AN INDIANA NOT-FOR-PROFIT CORPORATION (“BORROWER”) AND FINANCING THE CONSTRUCTION AND EQUIPPING OF A 3-STORY 40,700 SQUARE FOOT STUDENT RESIDENCE HALL FOR BORROWER; AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A LOAN AGREEMENT, A TRUST INDENTURE AND RELATED DOCUMENTS WITH RESPECT TO SAID BONDS; AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne, Indiana (the “Issuer”) is authorized and empowered by the Indiana Code §36-7-11.9 and 12 (the “Act”), as supplemented and amended, to finance land, buildings or other improvements suitable for industrial, commercial or manufacturing enterprises for the purposes set forth in the Act; and

WHEREAS, under the Act, the Issuer is empowered to refund revenue bonds so issued from time to time by the issuance of additional revenue bonds of the Issuer; and

WHEREAS, University of Saint Francis of Fort Wayne, Indiana, Inc., an Indiana not-for-profit corporation (the “Borrower”) has acquired, constructed and equipped certain economic development facilities (the “Project”), located in Fort Wayne, Allen County, Indiana, and the Issuer, in order to finance a portion of the costs of the Project pursuant to the provisions of the Act, heretofore has issued and sold its Economic Development Revenue Bonds, Series 2004 (University of Saint Francis Project) in the original principal amount of \$2,900,000, which are now outstanding in the principal amount of approximately \$2,600,000 (the “Prior Bonds”); and

WHEREAS, the Borrower now proposes to cause the Prior Bonds to be paid and, in order to permit interest cost savings anticipated by the Borrower and in furtherance of the purposes set forth in the Act, the Issuer wishes to refund the Prior Bonds by the sale and issuance of its refunding revenue bonds, and authorizing such actions as might be required to implement such stated intention; and

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the University of Saint Francis Project, as hereinafter defined, regarding the refunding of the Prior Bonds and the financing of proposed economic development facilities for the Borrower, and said Project Report has been sent to the Fort Wayne Plan Commission for comment; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing and adopted a resolution on July 17, 2008, which Resolution has been transmitted to this Council, finding that the financing of certain economic development facilities of the Borrower and the refunding of the Prior Bonds complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Council the Loan Agreement, the Series 2008 Note, Trust Indenture (the "Indenture"), Official Statement and Bond Purchase Agreement; now therefor

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

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Council, the issuance and sale of the Issuer's Economic Development Revenue Bonds, Series 2008 (University of Saint Francis

Project) (the “Bonds”), the loan of the proceeds of the Bonds to the Borrower for the construction and equipping of the economic development facilities and the refunding of the Prior Bonds, the payment of the Bonds by the note payments of the Borrower under the Loan Agreement and the Series 2008 Note, and the securing of said Bonds under the Indenture complies with the purposes and provisions of the Act and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities consists of (i) the refinancing of the Prior Bonds in the approximate amount of \$2,600,000 which assisted Borrower in financing the construction and equipping of a 3-story 29,700 square foot student residence hall accommodating approximately 100 students, and comprising 17 apartments units plus living space for a residence hall director and approximately 130 parking spaces located on the northwest corner of the Borrower’s campus, and (ii) with the construction and equipping of a 3-story 40,700 square foot student residence hall to accommodate approximately 150 students, comprised of 38 suite style units (including three (3) handicapped accessible units) plus living space for a residence hall director and approximately 135 parking spaces at a total approximate cost of \$7,000,000 (collectively, the “Project”).

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

SECTION 4. The substantially final forms of the Loan Agreement, Series 2008 Note, Indenture, Official Statement and Bond Purchase Agreement approved by the Fort Wayne Economic Development Commission are hereby approved (herein collectively referred to as the “Financing Agreement” referred to in the Act), and the Financing

Agreement shall be incorporated herein by reference and shall be inserted in the minutes of this Council and kept on file by the City Clerk. Two (2) copies of the Financing Agreement are on file in the office of the City Clerk for public inspection.

SECTION 5. The Issuer shall issue its Bonds designated “City of Fort Wayne, Indiana Variable Rate Demand Economic Development Revenue Bonds, Series 2008 (University of Saint Francis Project)” in a principal amount not to exceed Five Million Four Hundred Thousand and 00/100ths Dollars (\$5,400,000.00) (the “Series 2008 Bonds”) and maturing no later than August 1, 2028. The Series 2008 Bonds are to be issued for the purpose of procuring funds to refund the Prior Bonds and to pay a portion of the costs of construction and equipping of economic development facilities as more particularly set out in the Indenture and the Loan Agreement incorporated herein by reference, which Series 2008 Bonds will be payable as to principal, premium, if any, and interest from the note payments made by the Borrower under the Loan Agreement and the Series 2008 Note or as otherwise provided in the above described Indenture. The Series 2008 Bonds shall be issued in fully registered form in denominations of \$100,000 or \$5,000 integral multiples in excess thereof or as otherwise provided in the Indenture. The Series 2008 Bonds shall be redeemable as provided in Article IV of the Indenture. The Series 2008 Bonds will bear interest initially at a variable rate determined weekly as provided in the above described Indenture. Payments of principal and interest are payable in lawful money of the United States of America at the principal office of the Trustee (as defined in the Indenture) or its successor in trust or by check mailed or delivered to the registered owners as provided in the Indenture. The Series 2008 Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, Indiana, nor are the Series 2008 Bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and the City Clerk are authorized and directed to sell the Series 2008 Bonds to Griffin, Kubik, Stephens & Thompson, Inc. or its assigns, as the original purchaser thereof at a price of not less than \$5,361,500, representing the aggregate principal amount of the Bonds less Underwriter’s discount and expenses of \$38,500.

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

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

SECTION 9. The provisions of this Ordinance and the Indenture securing the Series 2008 Bonds shall constitute a contract binding between the City of Fort Wayne,

Indiana and the holders of the Series 2008 Bonds, and after the issuance of said Series 2008 Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Series 2008 Bonds or the interest thereon remains unpaid.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-08-07-24

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7192-08, BROADWAY BRICK & WALK RESTORATION - RESOLUTION #7192-08K, WORK ORDER #11978 between KEY 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 #7192-08, BROADWAY BRICK & WALK RESTORATION - RESOLUTION #7192-08K, WORK ORDER #11978 by and between KEY 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 reconstruct the sidewalk and curb ramps as needed and to remove, level, and reset the brick pavers in the parkstrip as needed. Other improvements will include restoration:

involving a total cost of ONE HUNDRED TWELVE THOUSAND, FIVE HUNDRED FIFTEEN AND NO/100 DOLLARS - (\$112,515.00). 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. S-08-07-25

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7169-2008, BUTLER ROAD & HILLEGAS ROAD IMPROVEMENTS between BROOKS CONSTRUCTION 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 #7169-2008, BUTLER ROAD & HILLEGAS ROAD IMPROVEMENTS by and between BROOKS CONSTRUCTION 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 installing new traffic control system, widening pavement for left turn lanes in all four directions, an auxiliary northbound right turn lane, street lighting, storm sewer, bike lane, and driveway approaches. Other improvements will include restoration and other related roadway work;

involving a total cost of SIX HUNDRED ONE THOUSAND, NINE HUNDRED EIGHTY-THREE AND NO/100 DOLLARS - (\$601,983.00).

SECTION 2. Prior Approval has been requested from Common Council on JULY 22, 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-08-07-26

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7183-2008, BURNING TREE - PINE VALLEY COMMUNITY CONCRETE REPAIRS between PRIMCO, 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 #7183-2008, BURNING TREE - PINE VALLEY COMMUNITY CONCRETE REPAIRS by and between PRIMCO, 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
BURNING TREE - PINE VALLEY COMMUNITY CONCRETE REPAIRS;

involving a total cost of ONE HUNDRED SIXTY-EIGHT THOUSAND, SEVEN HUNDRED SIXTY-ONE AND 21/100 DOLLARS - (\$168,761.21).

SECTION 2. Prior Approval has been requested from Common Council on JULY 8, 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-08-07-27

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving AQUA INDIANA CONNECTION #27-COPPER RUN EXTENDED (CARROLL ROAD), RES. #2087-2008, W.O. #65824 between ALL STAR CONSTRUCTION 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 AQUA INDIANA CONNECTION #27-COPPER RUN EXTENDED (CARROLL ROAD), RES. #2087-2008, W.O. #65824 by and between ALL STAR CONSTRUCTION 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 of approximately 4,483 LF of 16-inch and 25 LF of 8-inch water main, 2 fire hydrants, 5 valves, and all other appurtenances and work as necessary for the water main extension project. Installation method of pipe to be by open trench;

involving a total cost of THREE HUNDRED THOUSAND, SEVEN HUNDRED FORTY-SEVEN AND 01/100 DOLLARS - (\$300,747.01).

SECTION 2. Prior Approval has been requested from Common Council on JULY 22, 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

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, (THE "CITY") AUTHORIZING THE ISSUANCE AND SALE OF ADDITIONAL COUNTY ECONOMIC DEVELOPMENT INCOME TAX REVENUE BONDS OF THE CITY PAYABLE SOLELY FROM COUNTY ECONOMIC DEVELOPMENT INCOME TAX REVENUES TO BE RECEIVED BY THE CITY IN THE PRINCIPAL AMOUNT NOT TO EXCEED THIRTY MILLION AND 00/100 DOLLARS (\$30,000,000.00) AND THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE SALE OF SUCH COUNTY ECONOMIC DEVELOPMENT INCOME TAX REVENUE BONDS FOR THE PURPOSE OF FINANCING COSTS OF PROPOSED ECONOMIC DEVELOPMENT PROJECTS OF THE CITY, TOGETHER WITH EXPENSES IN CONNECTION WITH THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES

WHEREAS, the Allen County Income Tax Council has previously acted to impose the County Economic Development Income Tax ("CEDIT") in Allen County pursuant to I.C. 6-3.5-7 (the "Act"); and

WHEREAS, the Mayor (the "Mayor") of the City of Fort Wayne, Indiana (the "City"), approved a capital improvement plan (the "Plan") pursuant to Section 15 of the Act specifying the uses of the CEDIT revenues to be received by the City under Section 12 of the Act; and

WHEREAS, the Plan sets forth the City's intention to use the CEDIT revenues to be received under Section 12 of the Act for the construction and installation of public infrastructure and related improvements within the City, including without limitation any or all or any portion of the following: (i) street lighting improvements in the Southwest Extension and Carroll Road areas and elsewhere in the City, (ii) signalization improvements at Aboite Center and Westlakes and elsewhere in the City including without limitation at Coldwater and Mill Lake and Covington and Scott Road, (iii) street resurfacing and concrete street rehabilitation throughout the City, (iv) curb cut improvements to public sidewalks, (v) improvements to arterial and collector streets in the City, and (vi) downtown

streetscape improvements, including without limitation, East State (Phase II), North Anthony (Phases I and II), Pontiac (Phases I and II), Maumee (lighting and turn lane), and Wells Street (Phase I and Phase II) (collectively, the "Project"); and

WHEREAS, the Project, together with expenses in connection with the issuance of bonds therefor, is expected to cost approximately Thirty Million and 00/100 Dollars (\$30,000,000.00); and

WHEREAS, such Project and the financing by the City of the costs of such Project are necessary and will be of general benefit to the City and its citizens; and

WHEREAS, the City has no funds available or provided for in the existing budgets or tax levies or sources of revenue that may be applied to the costs of the proposed project, making it necessary to authorize the issuance of CEDIT revenue bonds of the City as authorized by Section 14 of the Act; and

WHEREAS, the City has previously issued bonds payable from the CEDIT revenues received by the City from distributions pursuant to Section 12 of the Act, and the City has made certain other parity pledges of the CEDIT revenues as follows: **(a)** the City's County Economic Development Income Tax Revenue Bonds of 2001 (the "2001 Bonds"), dated March 21, 2001, issued pursuant to Ordinance No. S-02-01, adopted by the Common Council on January 16, 2001 (the "2001 Ordinance"), outstanding after June 1, 2008, in the amount of Five Million Six Hundred Ten Thousand and 00/100 Dollars (\$5,610,000.00) and bearing interest at various rates and maturing in various amounts on June 1 and December 1 in the years 2008 to 2010; **(b)** the pledge of CEDIT revenues (the "2002 Lease Pledge") by the City pursuant to Ordinance No. S-20-02 adopted by the Common Council on February 26, 2002 (the "2002 Lease Ordinance"), for the payment of lease rentals pursuant to a lease between the City and the Fort Wayne Municipal Building Corp. dated as of February 1,

2002, as amended, which lease rentals are payable on June 1 and December 1 in the years 2008 through and including 2011; (c) the pledge of CEDIT revenues (the "2002 Bond Pledge") by the City pursuant to Resolution No. R-11-02 adopted by the Common Council on February 26, 2002 (the "2002 Resolution"), for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Revenue Bonds, Series 2002, issued for and on behalf of the Redevelopment District in 2002, outstanding after June 1, 2008, in the amount of Four Million Nine Hundred Ten Thousand and 00/100 Dollars (\$4,910,000.00), bearing interest at various rates and maturing in various amounts semiannually on December 1 and June 1 in the years 2008 through 2012; (d) the pledge of CEDIT revenues (the "2005 Lease Pledge") by the City pursuant to Ordinance No. S-31-05 adopted by the Common Council on February 22, 2005 (the "2005 Lease Ordinance"), for the payment of lease rentals pursuant to a lease between the City and the Fort Wayne Municipal Building Corp. dated as of March 1, 2005, which lease rentals are payable on June 1 and December 1 in the years 2008 through 2020; (e) the pledge of CEDIT revenues (the "2005 B Bond Pledge") by the City pursuant to Ordinance No. S-99-04 adopted by the Common Council on November 23, 2004 (the "2005 B Ordinance") for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Revenue Bonds, Series 2005 B, issued for and on behalf of the Redevelopment District in 2005, outstanding after June 1, 2008, in the amount Eight Million Seven Hundred Ten Thousand and 00/100 Dollars (\$8,710,000.00), bearing interest at various rates and maturing in various amounts on June 1 and December 1 in the years 2008 to 2016; (f) the City's County Economic Development Income Tax Revenue Bonds of 2005 (the "2005 Bonds"), dated April 14, 2005, issued pursuant to Ordinance No. S-97-04, adopted by the Common Council on November 23, 2005 (the "2005 Ordinance"), outstanding after June 1, 2008, in the amount of Twenty-one Million Eight Hundred Fifty-five Thousand and 00/100 Dollars (\$21,855,000.00) and bearing interest at various rates and

maturing in various amounts on June 1 and December 1 in the years 2008 to 2016; **(g)** the pledge of CEDIT revenues (the "2005 A-1 Bond Pledge") by the City pursuant to Ordinance No. S-55-04 adopted by the Common Council on July 13, 2004 (the "2005 A-1 Ordinance") for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Revenue Bonds, Series 2005 A-1, issued for and on behalf of the Redevelopment District in 2005, outstanding after June 1, 2008, in the amount of Three Million One Hundred Thirty Thousand and 00/100 Dollars (\$3,130,000.00), bearing interest at various rates and maturing in various amounts semiannually on December 1 and June 1 in the years 2008 through 2015, on December 1, 2017 and on June 1, 2021; **(h)** the pledge of CEDIT revenues (the "2005 A-2 Bond Pledge" and with the 2001 Bonds, the 2002 Lease Pledge, the 2002 Bond Pledge, the 2005 Lease Pledge, the 2005 B Bond Pledge, the 2005 Bonds, and the 2005 A-1 Bond Pledge, the "Prior Obligations") by the City pursuant to Ordinance No. S-55-04 adopted by the Common Council on July 13, 2004 (the "2005 A-2 Ordinance" and with the 2001 Ordinance, the 2002 Lease Ordinance, the 2002 Resolution, the 2005 Lease Ordinance, the 2005 B Ordinance, the 2005 Ordinance, and the 2005 A-1 Ordinance, the "Prior Authorizing Instruments") for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Taxable Revenue Bonds, Series 2005 A-2, issued for and on behalf of the Redevelopment District in 2005, outstanding after June 1, 2008, in the amount of Six Million Three Hundred Forty-five Thousand and 00/100 Dollars (\$6,345,000.00), bearing interest at various rates and maturing in various amounts on December 1, 2010, June 1, 2014 and June 1, 2021; **(i)** the pledge of CEDIT revenues by the City pursuant to Ordinance No. S-20-06 adopted by the Common Council on February 28, 2006, for the payment of lease rentals pursuant to a lease between the City and the Fort Wayne Municipal Building Corp. dated as of February 1, 2006, as amended, which lease rentals

are payable on June 1 and December 1 in the years 2008 through and including 2022; and any other obligations issued or entered into by the City which are on a parity with the Prior Obligations; and

WHEREAS, the Prior Authorizing Instruments permit the issuance of additional obligations payable from revenues received by the City from distributions pursuant to Section 12 of the Act and ranking on a parity with the Prior Obligations for the purpose of financing the Project, so long as certain conditions are met; and

WHEREAS, the Common Council desires to authorize the issuance and sale of bond anticipation notes in anticipation of the issuance of the CEDIT revenue bonds in an aggregate principal amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000.00) for the purpose of providing interim financing to apply to a portion of the costs of the Project;

WHEREAS, this Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of CEDIT revenue bonds, on a parity with the Prior Obligations, and, if necessary, bond anticipation notes, to provide the necessary funds to be applied to the cost of the Project and authorized costs relating thereto, have been complied with in accordance with the provisions of the Prior Authorizing Instruments relating to the issuance of bonds on parity with the Prior Obligations in accordance with the Act and all other provisions of the Indiana Code relating to the issuance of such bonds; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana, as follows:

The City is hereby authorized to make a loan in the principal amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000.00), for the purpose of providing funds to be applied to the costs of all or any portion of the Project, together with expenses incurred in connection with the issuance of bonds to provide therefor. The financing of such Project,

together with expenses in connection with the issuance of bonds to provide therefor, is undertaken pursuant to the Plan, which Plan is hereby found to be sufficient and in compliance with Section 15 of the Act.

In order to procure funds for such loan, the City is hereby authorized and directed to have prepared and to issue and sell negotiable county economic development income tax revenue bonds of the City to be designated as "City of Fort Wayne, Indiana, County Economic Development Income Tax Revenue Bonds of 2008" (the "Bonds"), in the aggregate principal amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000.00).

The principal of, redemption premium, if any, and interest on the Bonds shall be payable, solely out of the Sinking Fund referred to below.

Any other provisions of this Ordinance to the contrary notwithstanding, the Bonds shall be issued on a parity with the outstanding Prior Obligations, and none of the provisions of this Ordinance shall be construed to affect the rights of the holders of the outstanding Prior Obligations. The Mayor of the City (the "Mayor") is authorized to employ the firm of Crowe Chizek and Company LLC, Indianapolis, Indiana, to perform any and all computations necessary to confirm the preliminary evidence and findings demonstrating compliance with the conditions set forth in the Prior Authorizing Instruments for the issuance of additional revenue bonds on a parity with the outstanding Prior Obligations. The City shall not issue the Bonds without first receiving a certificate from Crowe Chizek and Company LLC in form and substance satisfactory to the Mayor and to the effect that the City is in complete compliance with the conditions set forth in the Prior Authorizing Instruments for the issuance of additional revenue bonds on a parity with the outstanding Prior Obligations.

The Bonds shall be issued in fully registered, book-entry-only form in the denomination of Five Thousand Dollars (\$5,000) or an integral multiple thereof not exceeding the aggregate principal

amount of Bonds maturing in any one (1) year. The Bonds shall be numbered consecutively from 2008R-1 upwards and shall bear interest payable semiannually commencing December 1, 2008, or such later date as may be set forth in the Issuer's Certificate defined herein, and each June 1 and December 1 thereafter, at a rate or rates not to exceed six percent (6%) (the exact rate or rates of interest to be determined by negotiation or by competitive sale as set forth in Section 6 hereof) or such lower rates for such maturities as may be determined by the Mayor and the Controller of the City (the "Controller") as set forth in a certificate of the City executed by the Mayor and the Controller and attested by the Clerk of the City (the "Clerk") prior to the sale of the Bonds, establishing certain provisions and details with respect to the Bonds (hereinafter referred to as the "Issuer's Certificate"). Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

The Bonds shall mature semiannually beginning on June 1, 2009, or such later date as may be set forth in the Issuer's Certificate, and thereafter on each June 1 and December 1, through and including December 1, 2033, or such earlier final maturity date and in such annual principal amounts set forth in the Issuer's Certificate.

A Registrar and Paying Agent (the "Registrar" or the "Paying Agent" or in both such capacities as the "Registrar and Paying Agent") shall be appointed by the Mayor. The Controller is hereby authorized to solicit and receive proposals with regard to the services of a registrar and paying agent. The Registrar and Paying Agent is hereby charged with and shall by appropriate agreement undertake the performance of all of the duties and responsibilities customarily associated with each such position, including without limitation authenticating the Bonds and the BANs (as hereinafter defined). The Registrar shall keep and maintain at its principal office books for the registration and for the transfer of the Bonds and the BANs (the "Bond Register"). The Mayor and the Clerk are hereby authorized

and directed, on behalf of the City, to enter into such agreements or understandings with the Registrar and Paying Agent as will enable the Registrar and Paying Agent to perform the services required of a registrar and a paying agent, and is authorized and directed to pay the Registrar and Paying Agent for its services out of available funds.

The principal of and premium, if any, on the Bonds and the BANs shall be payable at the principal office of the Paying Agent for the Bonds. Interest on the Bonds and the BANs shall be paid by check or draft mailed or delivered to the registered owners thereof at the address as it appears on the Bond Register as of the fifteenth day of the month immediately preceding the interest payment date or at such other address as is provided to the Paying Agent in writing by such registered owners. So long as The Depository Trust Company, New York, New York ("DTC") or its nominee is the registered owner of the Bonds and the BANs, interest on, together with the principal of, the Bonds and the BANs will be paid directly to DTC by wire transfer in same day funds by the Registrar and Paying Agent. All payments on the Bonds and the BANs shall be made in any coin or currency of the United States of America which on the dates of such payments shall be legal tender for the payment of public and private debts.

Each Bond and BAN shall be transferable or exchangeable only upon the Bond Register, by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such Bond and BAN together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, provided, however, that no such transfer or exchange shall be authorized or effected unless the registered owner delivers a written notice to the City and the Registrar stating the intent to make such transfer or exchange at least fifteen (15) days prior to the date such transfer or exchange is intended to take place, and provided further, that no transfer or exchange for less than the entire principal amount of

such Bond and BAN shall be authorized to be made or effected by the Registrar. In the event that any Bond or BAN is duly transferred or exchanged in accordance herewith, a new fully registered Bond or BAN in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Bonds and BANs may be transferred or exchanged without cost to the registered owner, except for any tax or governmental charge required to be paid with respect to the exchange. The Registrar shall not be obligated to make any exchange or transfer of Bonds and BANs called for redemption or during the period from the fifteenth day of any calendar month immediately preceding an interest payment date on the Bonds and the BANs until such interest payment date. The City and the Registrar and the Paying Agent for the Bonds and the BANs may treat and consider the person in whose name such Bonds and BANs are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

In the event any Bond or BAN is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new Bond or BAN of like date, maturity and denomination as that mutilated, lost, stolen or destroyed, which new Bond or BAN shall be marked in a manner to distinguish it from the Bond and the BANs for which it was issued, provided that, in the case of any mutilated Bond or BAN, such mutilated Bond or BAN shall first be surrendered to the City and the Registrar, and in the case of any lost, stolen or destroyed Bond or BAN there shall be first furnished to the City and the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event any such lost, stolen or destroyed Bond or BAN shall have matured, instead of issuing a duplicate Bond or BAN, the City and the Registrar may, upon receiving indemnity satisfactory to them, pay the same without surrender thereof.

The City and the Registrar may charge the owner of such Bond or BAN with their reasonable fees and expenses in connection with the above. Every substitute Bond or BAN issued by reason of any Bond or BAN being lost, stolen or destroyed shall, with respect to such Bonds or BANs, constitute a substitute contractual obligation of the City, whether or not the lost, stolen or destroyed Bond or BAN shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Bonds or BANs duly issued hereunder.

The Prior Obligations, the Bonds, and any obligations hereafter issued on a parity therewith, as to principal, premium, if any, and interest, shall be payable solely from and secured by an irrevocable pledge of and shall constitute a charge upon all the CEDIT revenues of the City deposited into the Sinking Fund as defined below. The City shall not be obligated to pay the Bonds or the premium, if any, or the interest thereon except from the CEDIT revenues of the City deposited into the Sinking Fund as defined below.

The Bonds shall bear an Original Date which shall be the date the Bonds are issued, and each Bond shall also bear the date of its authentication. Bonds authenticated on or before September 15, 2008, shall be paid interest from the Original Date. Bonds authenticated thereafter shall be paid interest from the interest payment date next preceding the date of authentication of such Bonds unless the Bonds are authenticated between the fifteenth day of the month preceding an interest payment date and the interest payment date, in which case interest thereon shall be paid from such interest payment date.

The Bonds shall be executed in the name of the City of Fort Wayne, Indiana, by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the Controller, and attested by the manual or facsimile signature of the Clerk, who shall cause the official seal of the City to be impressed or a facsimile thereof to be printed or otherwise reproduced on each of

the Bonds. Subject to the provisions for registration and the other limitations, the Bonds shall be negotiable under the laws of the State of Indiana. The Bonds shall be issued in book-entry form only, in the principal amount of \$5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interests in the Bonds purchased.

The Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar, and no Bond shall be valid or obligatory for any purpose until the certificate of authentication on such Bond shall have been so executed.

The Registrar or the Paying Agent may at any time resign as Registrar or Paying Agent by giving thirty (30) days' written notice to the City and by first-class mail to each registered owner of Bonds and BANs then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor Registrar or Paying Agent, as the case may be, by the City. Such notice to the City may be served personally or be sent by registered mail. The Registrar or Paying Agent may be removed at any time as Registrar or Paying Agent by the City, in which event the City may appoint a successor Registrar or Paying Agent, as the case may be. The City shall notify each registered owner of Bonds and BANs then outstanding by first-class mail of the removal of the Registrar or Paying Agent. Notices to registered owners of Bonds and BANs shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the Bond Register. Any predecessor Registrar shall deliver all the Bonds and the BANs in its possession and the Bond Register to the successor Registrar and any predecessor Paying Agent shall deliver all the cash in its possession to the successor Paying Agent.

The form and tenor of the Bonds shall be substantially as follows (all blanks to be properly completed prior to the preparation of the Bonds):

FORM OF BOND

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF ALLEN

No. 2008R-_____

\$_____

CITY OF FORT WAYNE, INDIANA,
COUNTY ECONOMIC DEVELOPMENT INCOME TAX REVENUE BOND OF 2008

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Authentication Date</u>	<u>CUSIP</u>
%	_____	_____	_____	_____

REGISTERED OWNER: CEDE & Co.

PRINCIPAL SUM:

The City of Fort Wayne (the "City"), in the State of Indiana, for value received, hereby promises to pay to the Registered Owner (named above) or registered assigns, but solely from the special revenue fund hereinafter referred to, the Principal Sum set forth above on the Maturity Date set forth above, and to pay interest on the Principal Sum to the Registered Owner of this bond until the City's obligation with respect to the payment of the Principal Sum shall be discharged, at the per annum rate specified above from the interest payment date immediately preceding the date of authentication of this bond, unless this bond is authenticated on or before May 15, 2008, in which case interest shall be paid from the Original Date specified above, or unless this bond is authenticated between the fifteenth day of the month preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest is payable June 1, 2008, and semiannually thereafter on December 1 and June 1 of each year by check or draft. Interest shall be calculated on the basis of twelve (12) thirty-day months for a three hundred sixty-day year.

The principal of and premium, if any, on this bond are payable in lawful money of the United States of America at the principal office of _____ in the City of _____, Indiana, as Paying Agent (which term shall include any successor paying agent). Interest on this bond shall be paid by check or draft mailed or delivered to the Registered Owner hereof at the address as it appears on the books kept by _____, Indiana, in the City of _____ as Registrar (which term shall include any successor registrar) for the registration and for the transfer of the bonds (the "Bond Register") as of the fifteenth day of the month immediately preceding the interest payment date or at such other address as is provided to the Paying Agent in writing by the Registered Owner. Interest on, together with the principal of, this bond will be paid directly to The Depository Trust Company, New York, New York (the "DTC") by wire transfer in same day funds by the Paying Agent so long as DTC or its nominee is the registered owner of the bond. All payments on this bond shall be made in any coin or currency of the United States of America which on the dates of such payments shall be legal tender for the payment of public and private debts.

This bond is one of an authorized issue of bonds of the City of Fort Wayne, Indiana, aggregating Thirty Million and 00/100 Dollars (\$30,000,000.00) numbered consecutively from 2008R-1 upwards, issued in book-entry-form only on parity with: (a) the City's County Economic Development Income Tax Revenue Bonds of 2001 (the "2001 Bonds"), dated March 21, 2001, issued pursuant to Ordinance No. S-02-01, adopted by the Common Council on January 16, 2001 (the "2001 Ordinance"), outstanding after June 1, 2008, in the amount of Five Million Six Hundred Ten Thousand and 00/100 Dollars

(\$5,610,000.00) and bearing interest at various rates and maturing in various amounts on June 1 and December 1 in the years 2008 to 2010; **(b)** the pledge of CEDIT revenues (the "2002 Lease Pledge") by the City pursuant to Ordinance No. S-20-02 adopted by the Common Council on February 26, 2002 (the "2002 Lease Ordinance"), for the payment of lease rentals pursuant to a lease between the City and the Fort Wayne Municipal Building Corp. dated as of February 1, 2002, as amended, which lease rentals are payable on June 1 and December 1 in the years 2008 through and including 2011; **(c)** the pledge of CEDIT revenues (the "2002 Bond Pledge") by the City pursuant to Resolution No. R-11-02 adopted by the Common Council on February 26, 2002 (the "2002 Resolution"), for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Revenue Bonds, Series 2002, issued for and on behalf of the Redevelopment District in 2002, outstanding after June 1, 2008, in the amount of Four Million Nine Hundred Ten Thousand and 00/100 Dollars (\$4,910,000.00), bearing interest at various rates and maturing in various amounts semiannually on December 1 and June 1 in the years 2008 through 2012; **(d)** the pledge of CEDIT revenues (the "2005 Lease Pledge") by the City pursuant to Ordinance No. S-31-05 adopted by the Common Council on February 22, 2005 (the "2005 Lease Ordinance"), for the payment of lease rentals pursuant to a lease between the City and the Fort Wayne Municipal Building Corp. dated as of March 1, 2005, which lease rentals are payable on June 1 and December 1 in the years 2008 through 2020; **(e)** the pledge of CEDIT revenues (the "2005 B Bond Pledge") by the City pursuant to Ordinance No. S-99-04 adopted by the Common Council on November 23, 2004 (the "2005 B Ordinance") for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Revenue Bonds, Series 2005 B, issued for and on behalf of the Redevelopment District in 2005, outstanding after June 1, 2008, in the amount Eight Million Seven Hundred Ten Thousand and 00/100 Dollars (\$8,710,000.00), bearing interest at various rates and maturing in various amounts on June 1 and December 1 in the years 2008 to 2016; **(f)** the City's County Economic Development Income Tax Revenue Bonds of 2005 (the "2005 Bonds"), dated April 14, 2005, issued pursuant to Ordinance No. S-97-04, adopted by the Common Council on November 23, 2005 (the "2005 Ordinance"), outstanding after June 1, 2008, in the amount of Twenty-one Million Eight Hundred Fifty-five Thousand and 00/100 Dollars (\$21,855,000.00) and bearing interest at various rates and maturing in various amounts on June 1 and December 1 in the years 2008 to 2016; **(g)** the pledge of CEDIT revenues (the "2005 A-1 Bond Pledge") by the City pursuant to Ordinance No. S-55-04 adopted by the Common Council on July 13, 2004 (the "2005 A-1 Ordinance") for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Revenue Bonds, Series 2005 A-1, issued for and on behalf of the Redevelopment District in 2005, outstanding after June 1, 2008, in the amount of Three Million One Hundred Thirty Thousand and 00/100 Dollars (\$3,130,000.00), bearing interest at various rates and maturing in various amounts semiannually on December 1 and June 1 in the years 2008 through 2015, on December 1, 2017 and on June 1, 2021; **(h)** the pledge of CEDIT revenues (the "2005 A-2 Bond Pledge" and with the 2001 Bonds, the 2002 Lease Pledge, the 2002 Bond Pledge, the 2005 Lease Pledge, the 2005 B Bond Pledge, the 2005 Bonds, and the 2005 A-1 Bond Pledge, the "Prior Obligations") by the City pursuant to Ordinance No. S-55-04 adopted by the Common Council on July 13, 2004 (the "2005 A-2 Ordinance" and with the 2001 Ordinance, the 2002 Lease Ordinance, the 2002 Resolution, the 2005 Lease Ordinance, the 2005 B Ordinance, the 2005 Ordinance, and the 2005 A-1 Ordinance, the "Prior Authorizing Instruments") for the payment of principal of and interest on the City of Fort Wayne, Indiana, Redevelopment District Taxable Revenue Bonds, Series 2005 A-2, issued for and on behalf of the Redevelopment District in 2005, outstanding after June 1, 2008, in the amount of Six Million Three Hundred Forty-five Thousand and 00/100 Dollars (\$6,345,000.00), bearing interest at various rates and maturing in various amounts on December 1, 2010, June 1, 2014 and June 1, 2021; **(i)** the pledge of CEDIT revenues by the City pursuant to Ordinance No. S-20-06 adopted by the Common Council on February 28, 2006, for the payment of lease rentals pursuant to a lease between the City and the Fort Wayne Municipal Building Corp. dated as of February 1, 2006, as amended, which lease rentals are payable on June 1 and December 1 in the years 2008 through and including 2022; and any other obligations issued or

entered into by the City which are on a parity with the Prior Obligations, and pursuant to an ordinance adopted by the Common Council of the City on _____, _____, entitled An Ordinance of the Common Council of the City of Fort Wayne, Indiana, (the "City") Authorizing the Issuance and Sale of Additional County Economic Development Income Tax Revenue Bonds of the City Payable Solely from County Economic Development Income Tax Revenues to be Received by the City in the Principal Amount Not To Exceed Thirty Million and 00/100 Dollars (\$30,000,000.00) and the Issuance and Sale of Bond Anticipation Notes in Anticipation of the Issuance Sale of Such County Economic Development Income Tax Revenue Bonds for the Purpose of Financing Costs of Proposed Economic Development Projects of the City, Together With Expenses in Connection with the Issuance of Bonds and Bond Anticipation Notes" (the "Ordinance"), and the Indiana Code. Reference is hereby made to the Ordinance for a description of the nature and extent of the rights, duties and obligations of the owners of the bonds and the City and the terms on which this bond is issued, and to all the provisions of the Ordinance to which the registered owner hereof by the acceptance of this bond assents.

Pursuant to provisions of the Ordinance, the principal of and premium, if any, and interest on this bond and all other bonds of such issue, the Prior Obligations, and any obligations hereafter issued ranking on a parity therewith, are payable solely from the Sinking Fund continued by the Ordinance to be provided from the county economic development income tax revenues of the City. The City shall not be obligated to pay this bond or the interest thereon except from said special fund provided from said revenues. Subject to the provisions for registration and to certain other provisions set forth in the Ordinance, this bond is negotiable under the laws of the State of Indiana. This bond is being issued in book-entry form only.

The City irrevocably pledges the entire county economic development income tax revenues of the City deposited into the Sinking Fund continued by the Ordinance, to the extent necessary for that purpose, to the prompt payment of principal of and interest on the bonds authorized by the Ordinance, of which this is one, and any obligations hereafter issued on a parity therewith.

The City reserves the right pursuant to the terms and conditions of the Ordinance to authorize and issue additional obligations hereafter payable out of the county economic development income tax revenues of the City, ranking on a parity herewith or junior hereto, for the purpose of financing additional costs of the project for which the bonds were issued and future economic development projects and such other projects as may be permitted by law.

So long as any bond is outstanding, Indiana Code 6-3.5-7-14 prohibits a county which has imposed the county economic development income tax from reducing the county economic development income tax rate imposed on the adjusted gross income of county taxpayers below that which is required to be maintained by law.

The bonds of this issue, maturing on or after December 1, 2018, may be redeemed by the City, in whole or in part, on June 1, 2018, or at any time thereafter, in order of maturity determined by the City, and by lot within any such maturity or maturities by the Registrar, at the par amount thereof and without premium, plus accrued interest to the date of redemption.

Official notice of any such redemption identifying the Bonds shall be sent by the Registrar by certified or registered mail to the Registered Owner of this bond at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date, at the address shown on the registration books of the Registrar and Paying Agent, or at such other address as is furnished in writing to the Registrar and Paying Agent, unless such notice is waived by the Registered Owner; provided, however, that failure to

give such notice by mailing, or any defect therein, with respect to any such bond will not affect the validity of any proceedings for redemption of any other such bonds. The place of redemption may be at the principal corporate office of the Paying Agent or as otherwise determined by the City. Interest on bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, so long as sufficient funds are available at the place of redemption to pay the redemption price on the redemption date or when presented for payment. The bonds so redeemed prior to maturity shall be surrendered for cancellation.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such bond or the redemption price, as appropriate, and thereafter the Registered Owner shall look only to the funds so deposited in trust with the Paying Agent for payment, and the City shall have no further obligation or liability with respect thereto.

All bonds which have been redeemed shall be cancelled and cremated or otherwise destroyed and shall not be reissued and a counterpart of the certificate of cremation or other destruction evidencing such cremation or other destruction shall be furnished by the Registrar to the City; provided, however, that one or more new registered bonds shall be issued for the unredeemed portion of any bond without charge to the holder thereof.

The principal of and premium, if any, and interest on this bond and all other bonds of the issue, and any obligations hereafter issued ranking on a parity herewith are, to the extent and as provided in the Ordinance, payable solely out of the Sinking Fund created pursuant to the Ordinance, to be provided from the county economic development income tax revenues to be received by the City.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the City and of the owners of the bonds may (with certain exceptions as stated in the Ordinance) be modified or amended with the consent of the owners of at least sixty percent (60%) in aggregate principal amount of outstanding bonds exclusive of bonds, if any, owned by the City. Additional obligations ranking on a parity with the bonds authorized by the Ordinance and other bonds, junior to the bonds authorized by the Ordinance, can be issued in accordance with the terms of the Ordinance.

This bond is transferable or exchangeable only upon the Bond Register, by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or his attorney duly authorized in writing, provided, however, that no such transfer or exchange shall be authorized or effected unless the Registered Owner delivers a written notice to the City and the Registrar stating the intent to make such transfer or exchange at least fifteen (15) days prior to the date such transfer or exchange is intended to take place, and provided further, that no transfer or exchange for less than the entire principal amount of this bond shall be authorized to be made or effected by the Registrar. In the event that this bond is duly transferred or exchanged in accordance herewith, a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or to the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred or exchanged without cost to the Registered Owner, except for any tax or governmental charge required to be paid with respect to the transfer or exchange. The Registrar shall not be obligated to make any exchange or transfer of this bond if it has been called for redemption or during the period from the fifteenth day of any calendar month immediately preceding an interest payment date on this bond until such interest payment date. The City, the Registrar and the Paying Agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof

for all purposes, including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the event this bond is mutilated, lost, stolen or destroyed, the City may execute and the Registrar may authenticate a new bond of like date, maturity and denomination as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided that, in the case of this bond being mutilated, this bond shall first be surrendered to the City and the Registrar, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the City and the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event that this bond, being lost, stolen or destroyed, shall have matured, instead of issuing a duplicate bond the City and the Registrar may, upon receiving indemnity satisfactory to them, pay this bond without surrender hereof. In such event, the City and the Registrar may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the City, whether or not this bond, being lost, stolen or destroyed shall be found at any time, and shall be entitled to all the benefits of the Ordinance, equally and proportionately with any and all other bonds duly issued thereunder.

The Registrar or Paying Agent may at any time resign as registrar or paying agent by giving thirty (30) days' written notice to the City and by first-class mail to the registered owners of bonds then outstanding, and such resignation will take effect at the end of such thirty (30) days or upon the earlier appointment of a successor registrar or paying agent, as the case may be, by the City. Such notice to the City may be served personally or be sent by registered mail. The Registrar or Paying Agent may be removed at any time as registrar or paying agent by the City, in which event the City may appoint a successor registrar or paying agent, as the case may be. The City shall notify the registered owners of this bond, if then outstanding, by first-class mail of the removal of the Registrar or the Paying Agent. Notices to registered owners of bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount of the bonds maturing in such year.

If this bond shall have become due and payable in accordance with its terms or this bond or a portion hereof shall have been duly called for redemption or irrevocable instructions to call this bond or a portion hereof for redemption shall be given, and the whole amount of the principal of, the premium, if any, and interest, so due and payable upon all of this bond or a portion hereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, (iii) time certificates of deposit of a bank or banks, fully secured as to both principal and interest by obligations of the kind described in (ii) above or (iv) any combination of (i), (ii), or (iii) above, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case this bond or such portion hereof shall no longer be deemed outstanding or an indebtedness of the City.

It is hereby certified and recited that all acts, conditions and things required by law and the Constitution of the State of Indiana to be done

precedent to and in the execution, issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as provided by law; and that this bond and the total issue of bonds is within every limit of indebtedness provided by the Constitution and laws of the State of Indiana.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Ordinance authorizing this bond until the certificate of authentication hereon shall have been duly executed by the Registrar (or a duly authorized representative thereof).

IN WITNESS WHEREOF, the City of Fort Wayne, in the State of Indiana, by ordinance of its Common Council, has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor, countersigned by the manual facsimile signature of its Controller, and attested by the manual or facsimile signature of its Clerk, who has caused the official seal of the City to be impressed or a facsimile thereof to be printed or otherwise reproduced hereon.

CITY OF FORT WAYNE, INDIANA

By: _____
Mayor

Countersigned: _____
Controller

(SEAL)

ATTEST:

Clerk

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Ordinance.

_____, Indiana

By: _____
as Registrar

The following abbreviations, when used in the inscription of the fact of this bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM. as tenants in common
TEN ENT. as tenants by the entireties
JT TEN. as joint tenants with right of
survivorship and not as tenants in common

UNIF. TRANS MIN ACT _____ Custodian _____
(Cust.) (Minor)

Under Uniform Transfers to Minors

Act _____
(State)

Additional abbreviations may also be used though not in the list above.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(insert name and address)

the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney to transfer the within bond on the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

[End of Bond Form]

In anticipation of the issuance and sale of the Bonds authorized herein, and to provide interim financing if needed to apply to the cost of the Project, the City is hereby authorized to have prepared and to issue and sell to an authorized purchaser negotiable BANs of the City, in an amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000.00) to be designated "City of Fort Wayne, Indiana, County Economic Development Income Tax Revenue Bond Anticipation Notes of 2008." The BANs shall be issued in full registered form, shall be numbered consecutively from 08R-1 upwards, shall be issued in denominations of One Thousand Dollars (\$1,000) or integral multiples thereof, shall be dated as of the date

on which the BANs are issued, and shall bear interest at a rate not exceeding six percent (6.0%) per annum (the exact rate of interest to be determined by negotiation with the purchase thereof), payable as set forth in the Issuer's Certificate. The BANs shall be sold at a price of not less than one hundred percent (100%) of the par amount thereof. The initial BANs delivered will mature as set forth in the Issuer's Certificate. Each subsequent BAN delivered will bear the same maturity date as the initial BANs. The BANs shall be subject to renewal or extension, subject to the limitations set forth below, at an interest rate not to exceed six percent (6.0%), with the exact rate to be negotiated with the purchase thereof. The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs.

The BANs shall be issued pursuant to the provisions of Indiana Code 5-1-14-5, and the principal thereof shall be refunded and retired out of the proceeds from the issuance and sale hereunder of the Bonds. The City may also use other revenues or funds of the City legally available therefor, if any, including amounts available to the City out of federal or state funds available for application to the Project, for payment of the principal of the BANs; provided, however, that no funds other than proceeds from the issuance and sale of the Bonds, if and when issued, are pledged to the payment of principal of the BANs. The interest on the BANs shall be payable either from the CEDIT revenues or from proceeds from the issuance and sale hereunder of the Bonds.

Notwithstanding any other provision of this Ordinance, if the BANs are sold to a purchaser that so agrees, the City may receive payment for the BANs in installments and principal shall not be payable and interest shall not accrue on the BANs until such principal amount has been advanced pursuant to requests made by the City to such purchaser. In the event that the total principal amount of

the BANs sold to such other purchaser is not advanced to the City, the principal amount of the BANs shall be reduced accordingly.

The BANs shall be executed in the name of the City by the manual or facsimile signature of the Mayor, countersigned by the manual or facsimile signature of the Controller, and attested by the manual or facsimile signature of the Clerk, who shall cause the official seal of the City or a facsimile thereof to be affixed to each of the BANs. The BANs shall be authenticated by the manual signature of an authorized representative of the Registrar, and no BAN shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed. In case any official whose signature appears on any BAN shall cease to be such official before the delivery of such BAN, the signature of such official shall nevertheless be valid and sufficient for all purposes, the same as if such official had been in office at the time of such delivery. Subject to the provisions of this for registration and the other limitations regarding the registration of the BANs, the BANs shall be fully negotiable instruments under the laws of the State of Indiana.

The Mayor and the Controller are hereby authorized to elect in their joint discretion (i) to sell all of the Bonds by negotiation or (ii) to sell all of the Bonds at a public sale. Any such election shall be evidenced by a statement to that effect contained in the Issuer's Certificate.

Sale of the Bonds and the BANs

Issuance, Sale and Delivery of the BANs The City,
having satisfied all the statutory requirements for the issuance of the
Bonds, may elect to issue its BAN or BANs to an eligible purchaser
under Indiana Code 5-1-14-5 pursuant to the BAN Purchase

Agreement (the "BAN Purchase Agreement"), to be entered into between the City and the purchaser of the BANs. The Common Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing Bonds to provide interim financing for the Project until permanent financing becomes available. It shall not be necessary for the City to repeat the procedures for the issuance of its Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs. The Mayor and the Controller are hereby authorized and directed to execute the BAN Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The Mayor and the Controller may also take such other action or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith

Public Sale of the Bonds. The provisions of this Section 6(b) shall govern the sale of the Bonds if the Mayor and the

Controller elect to sell the bonds at a public sale. Prior to the sale of the Bonds, the Controller shall cause to be published a notice of intent to sell bonds two (2) times at least one week apart in the Fort Wayne News Sentinel and the Fort Wayne Journal Gazette and in such other newspapers, if any, as the Controller may deem appropriate. The notice must state that any person interested in submitting a bid for the Bonds may furnish in writing, at the address set forth in the notice, the person's name, address, and telephone number, and that any such person may also furnish a telex or facsimile number. The notice must also state (1) the amount of the Bonds to be offered; (2) the denominations; (3) the dates of maturity; (4) the maximum rate or rates of interest; (5) the place of sale; and (6) the time within which the name, address and telephone number must be furnished, which must not be less than seven (7) days after the last publication of the notice.

The notice shall state further the purpose for which the Bonds are being issued, any limitations as to the number of interest rates and the setting of such rates, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller and the attorneys employed by the City shall deem necessary or advisable. Each person so registered shall be notified of the date and time bids will be received not less than twenty-four (24) hours before the date and time of sale. The

notification shall be made by telephone at the number furnished by the person, and also by telex or facsimile if the person furnishes a telex or facsimile number.

Such notice shall provide, among other things, that each bid shall be accompanied by a certified cashier's check or a financial surety bond in an amount equal to one percent (1%) of the principal amount of the Bonds to guarantee performance on the part of the bidder, with the successful bidder providing said amount by a certified or cashier's check submitted with the bid or by wire transfer on the next business day following the award if said bidder provided a financial surety bond with the bid and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the Bonds as soon as the Bonds are ready for delivery, or at the time fixed in the notice, then said amount shall become the property of the City and shall be considered as the City's liquidated damages on account of such default.

All bids for the Bonds shall be either submitted electronically or in sealed bid form and shall be presented at the office of the City's independent financial advisor, and the Controller shall continue to receive all bids offered until the hour named on the day fixed in the notice of sale, at which time and place the Controller shall open and consider each bid. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum rate hereinabove fixed. Said interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). Bids specifying more than one interest rate shall also specify the amount and maturities of the Bonds bearing each rate, and all Bonds maturing on the same date shall bear the same single rate of interest. The interest rate on Bonds of a given maturity must be at least as great as the interest rate on Bonds of any earlier maturity. Subject to the provisions contained below, the Controller shall award the Bonds to the bidder offering the lowest interest cost to the City, to be determined by

computing the total interest on all of the Bonds from the date thereof to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of any discount, if any. No bid for less than ninety-eight percent (98%) of the par value of the Bonds (or such higher percentage of the par value of the Bonds as the Mayor and Controller may determine and set forth in the Issuer's Certificate, with the advice of the financial advisor to the City), plus accrued interest at the rate or rates named to the date of delivery, will be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed in the notice for the sale of the Bonds, the Controller shall be authorized to continue to receive bids from day to day thereafter for a period not to exceed thirty (30) days, without readvertising; provided, however, that if said sale be continued, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for such sale in the notice of sale.

The Controller is hereby authorized and directed to have the Bonds and the BANs prepared. In case any officer whose signature appears on the Bonds and the BANs shall cease to hold that office before the delivery of the Bonds and the BANs, the signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the Bonds and the BANs. After the Bonds and the BANs have been properly executed, the Bonds and the BANs shall be delivered to the purchaser or purchasers in the manner provided by law.

Prior to the delivery of the Bonds, the Controller shall be authorized to obtain a legal opinion as to the validity of the Bonds from Baker & Daniels LLP, bond counsel for the City, and to furnish such opinion to the purchaser of the Bonds. The cost of such opinion shall be considered as part

of the costs in connection with the issuance of the Bonds and shall be paid out of proceeds of the Bonds.

The Bonds, when fully paid for and delivered to the purchaser, shall be valid and binding special revenue obligations of the City, payable solely out of the county economic development income tax revenues of the City to be fixed and set aside into the Sinking Fund, as herein provided, and the proceeds derived from the sale of the Bonds shall be and are hereby set aside for application by the City solely to the payment of the costs of the Project, together with expenses in connection with the issuance of the Bonds, as provided herein. The proper officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever acts and things may be necessary or appropriate in their judgment to carry out all of the provisions of this Ordinance.

The CEDIT revenues received by the City from distributions pursuant to Section 12 of the Act shall be used and applied by the City only as provided in this Ordinance and in strict accordance with the provisions of the Act. All of such revenues shall be segregated and kept in special accounts separate and apart from all other funds of the City and shall be used and applied in payment of bonds and interest thereon which by their terms are payable from such revenues and to maintain a reasonable reserve, in accordance with this Ordinance, the Prior Ordinances, and the Act. There is hereby continued pursuant to the Act a fund to be known as the "Economic Development Income Tax Fund" consisting of a Bond Principal and Interest Account and a Reserve Account (which two accounts together shall be referred to as the "Sinking Fund", and both of which accounts the City hereby covenants and agrees to cause to be kept and maintained so long as needed for the purposes set forth herein) and a Capital Improvement Fund. All of the CEDIT revenues of the City shall be set

aside in the following accounts in the following order of priority and to the extent indicated below:

- (1) Bond Principal and Interest Account;
- (2) Reserve Account if established (as set forth below); and
- (3) Capital Improvement Fund.

Bond Principal and Interest Account. As soon as possible upon receipt by the City of CEDIT distributions due in November and May of each year beginning with the November distribution in calendar year 2008 (the "November Distribution" and the "May Distribution," respectively), but in any event not later than the November 30 following the November Distribution (in the case of the November Distribution), or the May 30 (in the case of the May Distribution), next following the receipt by the City of such revenues, the City shall set apart and pay all of such revenues into the Bond Principal and Interest Account to be used to pay the interest on and principal of such bonds which by their terms are payable from such revenues; provided, however, that, no deposit shall be made into such account from the May Distribution in any year when the balance therein is sufficient to pay the interest due on such bonds on the interest payment date next following such

distribution and the principal and interest due on such bonds on the principal payment date next following such distribution, and no deposit shall be made into such account from the November Distribution of any year when the balance therein is sufficient to pay the principal and interest due on such bonds on the principal payment date next following such distribution.

Reserve Account. At the option of the City and upon the recommendation of the City's independent financial advisor, a Reserve Account shall be established. There shall be held in the Reserve Account, if established, an amount which equals the least of the following with respect to such bonds: (i) the maximum annual debt service on such bonds, or (ii) 125% of the average annual debt service on such bonds, or (iii) ten percent (10%) of the proceeds of such bonds, all within the meaning of Section 148(d) of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations thereunder (the "Debt Service Reserve Requirement").

After making required semi-annual deposits to the Bond Principal and Interest Account, the CEDIT revenues shall next be set apart and paid into the Reserve Account in any amount necessary to

restore the balance of the Reserve Account to an amount equal to the Debt Service Reserve Requirement. The Reserve Account shall be used and funds therein shall be withdrawn solely to make deposits into the Bond Principal and Interest Account in the event of any deficiency at any time in such account, or to make the final payments of interest on or principal of the bonds; provided, however, that as long as there is no default hereunder, any amount in the Reserve Account in excess of the Debt Service Reserve Requirement may be withdrawn at any time and from time to time and deposited in the Bond Principal and Interest Account. Any portion of the Debt Service Reserve Requirement shall be deemed to be satisfied if there is on deposit in the Reserve Account any surety bond, insurance policy, guaranty, letter of credit or other credit facility in any amount equal to such portion, the issuer of which credit facility is rated at least "AAA" by Standard & Poor's Ratings Group or "Aaa" by Moody's Investor Service (the "Surety Bond").

Capital Improvement Fund. Any remaining CREDIT revenues of the City shall be deemed excess funds and shall be deposited in the Capital Improvement Fund for appropriation and

use as permitted by law. In the event of any deficiency at any time in the Bond Principal and Interest Account for the purposes of paying the interest on or principal of the bonds which, by their terms are payable from such account as authorized herein, funds may be withdrawn from the Capital Improvement Fund for deposit into the Bond Principal and Interest Account in the amount of such deficiency.

Investment. All funds in such accounts shall be segregated and kept separate and apart from all other funds of the City and shall be deposited in lawful depositories of the City and continuously held and secured or invested as provided by law. Interest earned in each such account shall be credited to such account except that the amount of funds in the Reserve Account shall not exceed the Debt Service Reserve Requirement, and any such excess shall be deposited into the Capital Improvement Fund.

Any accrued interest and premium received at the time of the delivery of the Bonds shall be deposited into the Bond Principal and Interest Account. If a Surety Bond is not deposited in the Reserve Account, an amount equal to the Debt Service Requirement received from the sale of the Bonds on the date of their issuance shall be deposited into the Reserve Account. The remaining proceeds from the sale of the Bonds shall be deposited in a

special fund to be designated as the "City of Fort Wayne, Indiana, Economic Development Project Construction Fund" (the "Construction Fund"). Such fund shall be deposited with a legally qualified depository or depositories for funds of the City as provided by law and shall be segregated and kept separate and apart from all other funds of the City and may be invested as permitted by law. The money in the Construction Fund shall be expended only for the purpose of paying the costs of the Project together with expenses in connection with the issuance of the Bonds. Any balances in the Construction Fund after the completion of the Project which are not required to meet unpaid obligations incurred in connection with the construction of the Project together with expenses in connection with the issuance of the Bonds, shall be deposited into the Bond Principal and Interest Account of the Income Tax Fund and used solely for the purposes of that account as provided for herein.

Prepayment of BANs. The BANs are prepayable by the City, in whole or in part (and if in part, in authorized denominations and by lot in such manner as may be designated by the Registrar), at any time upon seven (7) days' notice to the registered owner or owners of the BANs, without any premium. In the case of prepayment, the principal due on the BANs shall be paid only from proceeds of the Bonds and/or any other revenues legally available to the City and accrued interest due on the BANs shall be paid from any revenues legally available to the City.

Optional Redemption of Bonds. The Bonds maturing on or after December 1, 2018, may be redeemed by the City in whole or in part, on June 1, 2018, or at any time thereafter, in order of maturity determined by the City, and by lot within any such maturities by the Registrar, at the par amount thereof and without premium, plus accrued interest to the date of redemption.

Official notice of such redemption identifying the Bonds shall be mailed by the Registrar and Paying Agent by certified or registered mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Bonds called for redemption (unless waived by any such registered owner) at the address shown on the registration books of the Registrar and Paying Agent, or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any Bond shall not affect the validity of the proceedings for the redemption of any other Bond. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and, in case of partial redemption, the respective principal amounts) of the Bonds called for redemption. The place of redemption may be at the principal corporate office of the Registrar and Paying Agent or as otherwise determined by the City. Interest on the Bonds (or portions thereof) so called for redemption shall cease to accrue on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date and when such Bonds (or portions thereof) are presented for payment. Any Bond redeemed in part may be exchanged for a Bond or Bonds of the same maturity in

authorized denominations equal to the remaining principal amount thereof. At the time the payment of the principal of, premium, if any, and interest on any Bonds called for redemption, such Bonds shall be surrendered for cancellation.

Upon the payment of the redemption price of the Bonds (or portions thereof) being redeemed and, if so directed by the City, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds (or portions thereof) being redeemed with the proceeds of such check or other transfer.

Mandatory Sinking Fund Redemption of Bonds. At the option of the successful bidder for the Bonds, all or a portion of the Bonds may be aggregated into one or more term bonds payable from mandatory sinking fund redemption payments (the "Term Bonds") required to be made as set forth below. The Term Bonds shall have a stated maturity or maturities on June 1 and/or December 1 of the years 2009 through 2033, or such other years as may be set forth in the Issuer's Certificate or as determined by the successful bidder.

In the event that the successful bidder opts to aggregate certain Bonds into Term Bonds, such Term Bonds shall be subject to mandatory sinking fund redemption prior to maturity at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to the redemption date, but without premium, on June 1 and/or December 1 of each year and in the principal amounts corresponding to and consistent with the maturity schedule for the Bonds set forth in the Issuer's Certificate.

The Registrar and Paying Agent shall credit against the current mandatory sinking fund requirement for a Term Bond of a particular maturity, any Bonds of such maturity delivered to the Registrar and Paying Agent for cancellation or purchased for cancellation by the Registrar and Paying Agent and cancelled by the Registrar and Paying Agent and not theretofore applied as a credit against any mandatory sinking fund requirement. Each Bond so delivered or purchased shall be credited by the Registrar and Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund redemption requirements for the applicable Term Bond in order of mandatory sinking fund redemption (or final maturity) dates determined by the Board, and the principal amount of such Term Bond to be redeemed on such mandatory sinking fund redemption dates by operation of the mandatory sinking fund requirements shall be reduced accordingly; provided, however, the Registrar and Paying Agent shall only credit Bonds against the mandatory sinking fund requirements to the extent such Bonds are received on or before 45 days preceding the applicable mandatory sinking fund redemption date.

The Registrar shall determine by lot (treating each \$5,000 principal amount of each Bond as a separate Bond for such purpose) the Bonds within a Term Bond of a particular maturity to be redeemed pursuant to the mandatory sinking fund redemption requirements on June 1 and/or December 1 of each year.

Notice of any such mandatory sinking fund redemption shall be given in the same manner as notice of optional redemption is required to be given pursuant to this Section 11 of this Ordinance. If Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for

optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

In the event any of the Bonds are issued as Term Bonds, the form of the Bond set forth in Section 3 of this Ordinance shall be modified accordingly.

Any reference to payment of principal on the Bonds shall include payment of scheduled mandatory sinking fund redemption payments described in this Section 11.

The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds for the uses and purposes herein set forth, and the registered owners of the Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance. The provisions of this Ordinance shall also be construed to create a trust in the CEDIT revenues of the City herein directed to be set apart and paid into the Sinking Fund for purposes of such Sinking Fund as set forth in this Ordinance.

To the extent necessary to preserve the exclusion from gross income under federal law of interest on the Bonds, and as an inducement to the purchasers of the Bonds, the City represents, covenants and agrees that:

No person or entity or any combination thereof, other than the City, will use proceeds of the Bonds or property financed by said proceeds other than as a member of the general public. No person or entity or any combination thereof, other than the City, will own property financed by the Bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or

incentive payment contract, an arrangement such as a take-or-pay or other type of output contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large of such property, unless such management contract complies with the management contract rules pursuant to IRS Revenue Procedure 97-13;

No Bond proceeds will be loaned to any entity or person.

No Bond proceeds will be transferred directly, or indirectly transferred or deemed transferred to a person other than a governmental unit in a fashion that would in substance constitute a loan of said Bond proceeds;

The City will not take any action or fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes of interest on the Bonds pursuant to Section 103(a) of the Code, in effect on the date of delivery of the Bonds, nor will the City act in any manner that would adversely affect such exclusion. The City further covenants that it will not make any investment or do any other act or thing during the period that any Bond is outstanding hereunder that

would cause any Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Bonds. The City shall comply with the arbitrage rebate requirements under Section 148 of the Code to the extent applicable; and

All officials, officers, members, employees and agents of the City are authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the City as of the date the Bonds are issued, to enter into covenants on behalf of the City evidencing the commitments made herein and to do all such other acts necessary or appropriate to carry out this Ordinance, including preparation of and execution of preliminary and final official statements describing the Bonds and matters related thereto. In particular, all or any officials, officers, members, employees and agents of the City are authorized to certify and/or enter into covenants for the City regarding the facts and circumstances and reasonable expectations of the City on the date the Bonds are issued and the commitments made by the City herein regarding the amount and use of the proceeds of the Bonds.

Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Exempt Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the City receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

If, when the Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal of and interest so due and payable upon all of the Bonds or a portion thereof then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, (iii) time certificates of deposit of a bank or banks fully secured as to both principal and interest by obligations of the kind described in (ii) above or (iv) any combination of (i), (ii), or (iii) above, the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also have been made for paying all fees and expenses in connection with the redemption, then and in that case the Bonds or such portion thereof issued hereunder shall no longer be deemed outstanding or an indebtedness of the City.

If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

All ordinances, resolutions, and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed.

If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the city in which the Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

The City may, from time to time and at any time, without the consent of, or notice to, any of the owners of the Bonds, adopt a supplemental ordinance for any one or more of the following purposes:

To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance;

To grant to or confer upon the owners of the Bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Bonds, or to make any change which, in the judgment of the City, is not to the prejudice of the owners of the Bonds;

To modify, amend or supplement this Ordinance to permit the qualification of the Bonds for sale under the securities

laws of the United States of America or of any of the states of the United States of America;

To provide for the refunding or advance refunding of the Bonds;

To procure a rating on the Bonds from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Bonds;

To make changes to reflect the issuance of Parity Obligations (as hereinafter defined) in accordance with Section 22;

or

Any other purpose which in the judgment of the City does not adversely impact the interests of the owners of the Bonds.

This Ordinance, and the rights and obligations of the City and the owners of the Bonds may be modified or amended at any time by supplemental ordinances adopted by the City with the consent of the owners of the Bonds holding at least sixty percent (60%) in aggregate principal amount of the outstanding Bonds (exclusive of Bonds, if any, owned by the City); provided, however, that no such modification or amendment shall, without the express consent of the owners of the Bonds affected, reduce the principal amount of any Bond, reduce the interest rate payable thereon, extend its maturity or the times for paying interest thereon,

permit a privilege or priority of any Bond or Bonds over any other Bond or Bonds, create a lien securing any Bonds other than a lien ratably securing all of the Bonds outstanding, or change the monetary medium in which principal and interest are payable, nor shall any such modification or amendment reduce the percentage of consent required for amendment or modification.

Any act done pursuant to a modification or amendment so consented to shall be binding upon all the owners of the Bonds and shall not be deemed an infringement of any of the provisions of this Ordinance, and may be done and performed as fully and freely as if expressly permitted by the terms of this Ordinance, and after such consent relating to such specified matters has been given, no owner shall have any right or interest to object to such action or in any manner to question the propriety thereof or to enjoin or restrain the City or any officer thereof from taking any action pursuant thereto.

If the City shall desire to obtain any such consent, it shall cause the Registrar to mail a notice, postage prepaid, to the respective owners of the Bonds at their addresses appearing on the Bond Register. Such notice shall briefly set forth the nature of the proposed supplemental ordinance and shall state that a copy thereof is on file at the office of the Registrar for inspection by all owners of the Bonds. The Registrar shall not, however, be subject to any liability to any owners of the Bonds by reason of its failure to mail the notice described in this Section 20, and any such failure shall not affect the validity of such supplemental ordinance when consented to and approved as provided in this Section 20.

Whenever, at any time within one year after the date of the mailing of such notice, the City shall receive an instrument or instruments purporting to be executed by the owners of the Bonds of not less than sixty percent (60%) in aggregate principal amount of the Bonds then outstanding (exclusive of Bonds, if any, owned by the City), which instrument or instruments shall refer to the proposed

supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice as on file with the Registrar, thereupon, but not otherwise, the Common Council may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Bonds, whether or not such owner shall have consented thereto.

Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section 20, this Ordinance shall be, and be deemed to be, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such modifications and amendments.

All of the county economic development income tax revenues of the City paid into the Sinking Fund shall be and are hereby irrevocably pledged to the payment of the principal of and premium, if any, and interest on the Bonds.

So long as any Bond is outstanding, Section 14 of the Act prohibits a county which has imposed the county economic development income tax from reducing the county economic development income tax rate imposed on the adjusted gross income of county taxpayers below that which is required to be maintained by law.

The City reserves the right to authorize and issue additional bonds and to authorize and incur lease obligations (which for all purposes of this Ordinance shall be deemed to be required payments of bond principal which mature on the date such lease rental payment obligations are due) (collectively, the "Parity Obligations"), payable out of the Sinking Fund, ranking on a parity with the Bonds, for the purpose of financing additional costs of the Project or the cost of additional economic development projects or to provide for a complete or partial

refunding of the Parity Obligations. In the event any parity bonds are issued pursuant to this Section 23, the term "Bonds" in this Ordinance shall, unless the context otherwise requires, be deemed to refer to the Bonds and such Parity Obligations and other changes may be made herein as required to reflect the issuance of such Parity Obligations. The authorization and issuance of Parity Obligations shall be subject to the following conditions precedent:

Any such additional bonds shall not cause the City to exceed its debt limitation under Article 13, Section 1, of the Indiana Constitution as of the date of issuance;

All interest and principal payments with respect to all bonds payable from amounts that the City receives from county economic development income tax revenues shall have been paid in accordance with their terms; provided, however, this condition shall be deemed satisfied if any required amount is to be provided from the proceeds of such additional Parity Obligations or other funds of the City.

All required deposits into the Bond Principal and Interest Account and Reserve Account shall have been made in accordance with the provisions of this Ordinance; provided, however, this condition shall be deemed satisfied if any required amount is to be

provided from the proceeds of such additional Parity Obligations or other funds of the City.

Either: (1) the county economic development income tax revenues of the City in the fiscal year immediately preceding the issuance of any such obligations ranking on a parity with the Bonds shall be not less than one hundred thirty-five percent (135%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional Parity Obligations proposed to be issued; or (2) the county economic development income tax revenues of the City for the first full fiscal year immediately succeeding the issuance of any such obligations ranking on a parity with the Bonds shall be projected by a certified public accountant to be at least equal to one hundred thirty-five percent (135%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional Parity Obligations proposed to be issued; provided, however, annual principal and interest requirements of any Bonds may be reduced in inverse order of maturity for purposes of this section by the balance in the Reserve Account allocable thereto.

For purposes of this subsection, the records of the City shall be analyzed and all showings prepared by a certified public accountant or independent financial adviser employed by the City for that purpose.

The interest on the additional Parity Obligations shall be payable semiannually on the first days of June and December in the years in which interest is payable and the principal of the additional Parity Obligations shall be payable semiannually on the first day of June and December in the years in which principal is payable, and if such additional Parity Obligations are issued as capital appreciation bonds, the amounts payable at maturity thereof are payable on the first days of June and December of each year during the periods in which such maturity amounts are payable.

The issuance of the additional Parity Obligations will not result in a violation of Section 14 of the Act relating to the minimum rate at which the Allen County Council is required to maintain the county economic development income tax.

Any such additional Parity Obligations issued as variable rate debt shall be assumed to bear the maximum interest rate thereon for the purpose of certifying satisfaction of the one hundred

thirty-five percent (135%) condition set forth above, and a maximum rate must be set for any such variable rate additional Parity Obligations. Furthermore, any put feature associated with such variable rate debt shall be covered by remarketing proceeds or a liquidity facility issued by a provider which is rated in one of the two highest short-term rating categories of Moody's Investor Services or Standard & Poor's.

Except as otherwise provided in this Section 23, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the county economic development income tax revenues of the City shall be authorized, executed or issued by the City except such as shall be made subordinate and junior in all respects to the Bonds, unless all of the Bonds are redeemed and retired coincidentally with the delivery of such additional bonds or other obligations, or as provided in Section 15 hereof, funds sufficient to effect such redemption are available and set aside for that purpose at the time of issuance of such additional bonds.

For the period during which the Bonds are outstanding, the City hereby covenants that for the purpose of ensuring receipt by the City of its fractional amount of the

certified distribution of revenue from the county economic development income tax, it will maintain a capital improvement plan that conforms in all respects to Section 15 of the Act.

If the financial advisor of the City certifies to the City that it would be economically advantageous for the City to acquire a municipal bond insurance policy or other credit enhancement for the Bonds, the City hereby authorizes the Mayor and the Controller to take all such actions as may be necessary or appropriate to obtain such an insurance policy or other credit enhancement. The acquisition of a municipal bond insurance policy or other credit enhancement is hereby deemed economically advantageous if the difference between the present value cost of (a) the total debt service on the Bonds if issued without municipal bond insurance or other credit enhancement and (b) the total debt service on the Bonds if issued with municipal bond insurance or other credit enhancement, is greater than the cost of the premium on the municipal bond insurance policy or cost of such other credit enhancement. If deemed economically advantageous as described in this paragraph, the cost of the premium for such municipal bond insurance policy or cost of such other credit enhancement shall be deemed as a proper cost of issuance of the Bonds. The Mayor and the Controller are further authorized to take such actions as may be necessary or appropriate to procure a credit rating or ratings on the Bonds from one or more nationally recognized securities rating agencies.

The Bonds shall be offered and sold pursuant to an Official Statement with respect to the Bonds (the "Official Statement"), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12 promulgated by the United States Securities and Exchange Commission (the "Rule") and any and all applicable rules and regulations of the Municipal Securities Rulemaking Board. The City hereby authorizes the Controller (a) to authorize and

approve a Preliminary Official Statement, as the same may be appropriately confirmed, modified and amended, for distribution as the Preliminary Official Statement of the City; (b) on behalf of the City, to designate and deem the Preliminary Official Statement a "final" Official Statement with respect to the Bonds, subject to completion as permitted by and otherwise pursuant to the Rule; and (c) to authorize and approve the Preliminary Official Statement to be placed into final form and to enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule. The Mayor is further authorized to execute an agreement in connection with the offering of the Bonds in accordance with the Rule by which the City agrees to undertake such continuing disclosure obligations as may be required under the Rule.

This Ordinance shall be in full force and effect from and upon compliance with the procedures required by law.

* * * * *

PASSED AND ADOPTED by the Common Council of the City of Fort Wayne,
Indiana, this ____ day of _____, 2008

COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

By: _____
Member of the Common Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

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 (TOGETHER WITH INVESTMENT EARNINGS THEREON), FOR THE PURPOSE OF FINANCING COSTS OF ALL OR ANY PORTION OF A PROPOSED PROJECT OF THE CITY, TOGETHER WITH EXPENSES IN CONNECTION WITH THE ISSUANCE OF THE BONDS

WHEREAS, the Common Council (the "Common Council") of the City of Fort Wayne, Indiana (the "City"), and the Mayor of the City (the "Mayor") have previously approved a capital improvement plan (the "Plan") pursuant to I.C. 6-3.5-7-15 specifying the uses of the revenues to be received by the City under I.C. 6-3.5-7 (the "Act"); and

WHEREAS, the Plan sets forth the City's intention to use the CEDIT revenues to be received under Section 12 of the Act for the construction and installation of public infrastructure and related improvements within the City, including without limitation any or all or any portion of the following: (i) street lighting improvements in the Southwest Extension and Carroll Road areas and elsewhere in the City, (ii) signalization improvements at Aboite Center and Westlakes and elsewhere in the City including without limitation at Coldwater and Mill Lake and Covington and Scott Road, (iii) street resurfacing and concrete street rehabilitation throughout the City, (iv) curb cut improvements to public sidewalks, (v) improvements to arterial and collector streets in the City, and (vi) downtown streetscape improvements, including without limitation, East State (Phase II), North Anthony (Phases I and II), Pontiac (Phases I and II), Maumee (lighting and turn lane), and Wells Street (Phase I and Phase II) (collectively, the "Project"); and

WHEREAS, the Project, together with expenses in connection with the issuance of bonds therefor, is expected to cost approximately Thirty Million and 00/100 Dollars (\$30,000,000.00); and

WHEREAS, the City desires to issue: (i) county economic development income tax revenue bonds in one (1) or more series in an aggregate principal amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000.00) (the "Bonds") for the purpose of procuring funds for the payment of costs related to the Project, together with expenses incidental thereto, including expenses in connection with the issuance of the Bonds and (ii) bond anticipation notes in anticipation of the issuance of the Bonds in an aggregate principal amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000.00) (the "BANs") for the purpose of paying Project costs, together with expenses incidental thereto, including expenses in connection with the issuance of the BANs.

WHEREAS, such Project and the financing by the City of the costs of such Project are necessary and will be of general benefit to the City and its citizens; and

WHEREAS, the City has insufficient funds available or provided for in the existing budgets or tax levies that may be applied to the costs of the Project, together with expenses incidental thereto, including expenses in connection with the issuance of the Bonds and the BANs, and the issuance of such Bonds of the City in an amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000.00) and the issuance of BANs in anticipation thereof in an aggregate principal amount not to exceed Thirty Million and 00/100 Dollars (\$30,000,000.00) to finance the costs of the Project, together with expenses in connection with the issuance of the Bonds and the BANs, has been heretofore authorized to procure the necessary funds and an extraordinary emergency and necessity exist for the making of the additional appropriation set out herein; and

WHEREAS, the proceeds of the Bonds and the BANs (including investment earnings thereon) have not been included in any regular budget; and

WHEREAS, notice of a hearing on such appropriation has been published as required by I.C. 6-1.1-18-5 and such public hearing was held on such appropriation at which all taxpayers and interested persons had an opportunity to appear and express their views as to such additional appropriation;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana, as follows:

SECTION 1. The proceeds derived from the sale of the Bonds heretofore authorized to be issued and designated as "City of Fort Wayne, Indiana, County Economic Development Income Tax Revenue Bonds of 2008" in the aggregate principal amount of Thirty Million and 00/100 Dollars (\$30,000,000.00), and all investment earnings thereon estimated to be Eight Hundred Four Thousand Four Hundred and 00/100 Dollars (\$804,400.00), shall be and the same are hereby appropriated to provide financing for all or any portion of the Project, together with expenses in connection with the issuance of the Bonds. This appropriation shall be in addition to all appropriations provided for in the existing budget and levy, and shall continue in effect until the City has made full payment for the costs of the Project, together with expenses in connection with the issuance of bonds to provide therefor. Any surplus of such proceeds shall be credited to the proper fund as required by law.

SECTION 2. Said appropriation shall further be deemed to apply to the proceeds (including investment earnings thereon, if any), of any BANs issued in anticipation of said Bonds.

SECTION 3. A certified copy of the additional appropriation made herein, together with such other proceedings and actions as may be necessary, shall be filed by the Controller of the City

with the Indiana Department of Local Government Finance (the "Department") for the purpose of informing the Department of the additional appropriation made herein.

SECTION 3. This Ordinance shall be in full force and effect from and upon compliance with the procedures required by law.

* * * * *

PASSED AND ADOPTED by the Common Council of the City of Fort Wayne,
Indiana, this ____ day of _____, 2008

COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

By: _____
Member of the Common Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-08-07-30

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONTRACT with AFFILIATED COMPUTER SERVICES BETWEEN ALLEN COUNTY AND THE CITY OF FORT WAYNE FOR SHARED COSTS FOR THE USE OF THE DATA PROCESSING FACILITY.

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

SECTION 1. That the CONTRACT WITH AFFILIATED COMPUTER SERVICES (ACS), BETWEEN ALLEN COUNTY AND THE CITY OF FORT WAYNE FOR SHARED COSTS FOR THE USE OF THE DATA PROCESSING FACILITY, is hereby ratified, and affirmed and approved in all respects, respectfully for:

approving the contract with Affiliated Computer Services (ACS) between Allen County and the City of Fort Wayne for shared costs for the use of the Data Processing facility:

involving a total cost of TWO HUNDRED FIFTY-NINE THOUSAND AND 92/100 DOLLARS - (\$259,092.00). 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

#1142

BILL NO. Z-08-07-20

ZONING MAP ORDINANCE NO. Z-_____

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)

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 CM5C (Neighborhood Corridor Commercial) District
under the terms of Chapter 157 Title XV of the Code of the
City of Fort Wayne, Indiana:

Beginning at a point situated on the centerline of Wells
Street and the prolongation of the north property line of lot
1 of the St. Vincent Place Addition; thence easterly to the
northeast corner of lot 1 of said addition; thence southerly
along the eastern property line of said lot 1 to the north
right of way line of Miller Lane; thence southerly to the
centerline of the alley way situated on the south right of way
of Miller Lane; thence southerly along said centerline of the
alley way to the centerline of Sixth Street; thence southerly
along the centerline of said alley way to the centerline of
Fifth Street; thence southerly along the centerline of said
alley way to the centerline of Fourth Street; thence southerly
along the centerline of said alley way to the centerline of
Third Street; thence southerly along the centerline of said
alley way to the centerline of Second Street; thence southerly
along the centerline of said alley way to the centerline of
First Street; thence southerly along the centerline of said
alley way to a point on the south right of way line of First
Street; thence southerly along said centerline of alley way to
the intersection of the prolongation of the south property
line of lot 51 of North Side Addition; thence westerly along
said property line and to the southwest corner of lot 51 of
the North Side Addition; thence northwesterly to the
intersection of the centerline of Commerce Drive and the
prolongation of the west right of way line of Wells Street;
thence westerly on and along the centerline of Commerce Drive
to a point that is the southern prolongation of the west
property line of lot 2 McCullochs Addition; thence northerly
along said property line to its intersection with the south
right of way of High Street; thence northwesterly to the
intersection of the north right of way line of High Street and
the centerline of the alley way between lot 11 and lot 1 in

the Bowserville Addition; thence northerly along the centerline of said alley way to the centerline of Second Street; thence northerly along the centerline of said alley way to its intersection with the centerline of Third Street; thence northwesterly to the point of intersection between the north right of way of Third Street and the centerline of the alley way located between lot 25 and lot 29 in the Farnans Addition; thence northerly along the centerline of said alley way to the centerline of Fourth Street; thence northerly along the centerline of said alley way to the centerline of Fifth Street; thence northerly to a point that is the intersection of the prolongation of the centerline of the alley way and the north right of way line of Fifth Street; thence northerly to the intersection of the north right of way line of Spring Street and the centerline of the alley way between lot 7 and lot 6 in Homestead Addition Amended; thence northerly along the centerline of said alley way to its intersection with the centerline of Huffman Street; thence easterly along the centerline of Huffman Street to the centerline of Wells Street; thence northerly along the centerline of Wells Street to the point of beginning.

and the symbols of 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) 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

