

# COMMITTEE SESSION

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## AGENDA

### FORT WAYNE COMMON COUNCIL

JULY 8, 2008

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

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PRESIDING OVER THE STANDING  
COMMITTEE OF THE COMMON COUNCIL

THOMAS F. DIDIER  
PRESIDENT

SECRETARY OF THE COMMITTEE  
SESSION OF THE COMMON COUNCIL

SANDRA E. KENNEDY  
CITY CLERK

LEGAL ADVISOR TO MEMBERS  
OF THE COMMON COUNCIL

JOSEPH G. BONAHOOM  
COUNCIL ATTORNEY

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BENDER\_\_\_\_\_, BROWN\_\_\_\_\_, DIDIER\_\_\_\_\_,  
GOLDNER\_\_\_\_\_, HARPER\_\_\_\_\_, HINES\_\_\_\_\_,  
PAPE\_\_\_\_\_, SHOAFF\_\_\_\_\_, SMITH\_\_\_\_\_

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## ORDER OF THE AGENDA

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**1. ROLL CALL**

**2. PRIOR APPROVAL REQUESTS – PAGE 3**

**3. PRESENTATION BY TINA TAVIANO,  
DIRECTOR OF CITY COMMUNICATIONS**

**“REPORT ON CONSOLIDATED COMMUNICATIONS”**

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

## PRIOR APPROVAL REQUESTS

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### PUBLIC WORKS COMMITTEE

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

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**“PRIOR APPROVAL REQUEST” Kenwood-Glenhurst Concrete Street Repairs - contract was awarded to Key Concrete in the amount of \$110,489**

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**‘PRIOR APPROVAL REQUEST” Concrete Street Repairs – contract was awarded to Key Concrete in the amount of \$136,840**

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**“PRIOR APPROVAL REQUEST” Burning Tree-Pine Valley Community Concrete Repairs – contract was awarded to Primco, Inc. in the amount of \$168,761.21**

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### CITY UTILITIES COMMITTEE

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

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**“PRIOR APPROVAL REQUEST” Calhoun Street Sewer Rehabilitation – contract was awarded to Reynolds Inliner in the amount \$293,200**

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**ORDINANCES AND RESOLUTIONS UP FOR  
DISCUSSION**

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**FINANCE COMMITTEE**

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

**ACTION**

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No Ordinances or Resolutions up for discussion

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**R-08-07-16**

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

**This Resolution is to be introduced and voted**

**Upon for passage tonight at the Regular Session**

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## REGULATIONS COMMITTEE

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

### ACTION

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#### **Z-08-04-02**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. X-22 (Sec. 26 of St. Joseph Township) – Councilmanic District No. 1**

**8218 Trier Road – to allow for a childcare center**

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#### **Z-08-06-10**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-11 (Sec. 14 of Wayne Township) – Councilmanic District No. 5**

**4039 South Wayne Avenue – to allow operation of a lunch Preparation service for school children**

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#### **Z-08-06-11**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-30 (Sec. 20 of St. Joseph Township) – Councilmanic District No. 2**

**4500 block of Stellhorn Road, containing 13.65 acres east Of Northeast Indiana Innovation Center – to allow for future Certified Technology Park uses and expansion of the Innovation Center**

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#### **G-08-06-12**

**AN ORDINANCE amending the Code of the City of Fort Wayne Indiana**

**The goals and policies of the Memorial Park Neighborhood Plan will be adopted as an amendment to the Comprehensive Plan for the City of Fort Wayne (Plan-it-Allen)**

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**PUBLIC WORKS COMMITTEE**

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

**ACTION**

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**No Ordinances or Resolutions up for discussion**

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**CITY UTILITIES COMMITTEE**

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

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**No Ordinances or Resolutions up for discussion**

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**REGULAR SESSION**

**AGENDA**

**FORT WAYNE COMMON COUNCIL**

**JULY 8, 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\_\_\_\_\_ ,**

# ORDER OF THE AGENDA

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PRESENTATION OF NATIONAL COLORS

SERGEANT-AT-ARMS

ROLL CALL

SANDRA E. KENNEDY  
CITY CLERK

PRESIDENT'S REPORT AND COMMENTS

THOMAS F. DIDIER  
PRESIDENT

INTRODUCTION OF ORDINANCES AND RESOLUTIONS – PAGES 3 THRU 7

PASSAGE OF ORDINANCES AND RESOLUTIONS – PAGES 8 THRU 11

MISCELLANEOUS BUSINESS

CHAIR OPEN FOR COMMENTS – FROM CITIZENS AND COUNCIL MEMBERS

RETIREMENT OF COLORS

ADJOURNMENT

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION**

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## FINANCE COMMITTEE

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

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### ACTION

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**S-08-07-12**

**AN ORDINANCE approving Resolution #2106-2009, services of a consultant to develop the Fort Wayne Rain Garden Program, between Black & Veatch Corporation and the City of Fort Wayne, Indiana, in connections with the Board of Public Works  
Total cost of \$178,900**

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**S-08-07-05**

**AN ORDINANCE approving the awarding of ITB#2842 – Buckner Park Safety Surface by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Resource for the Parks and Recreation Department  
Total cost of \$102,980.80**

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**S-08-07-09**

**AN ORDINANCE certifying and approving the need for the services of a consultant to provide project management services to assist in the Public Works Transportation Improvement Program (TIP)  
Total cost will be excess of \$100,000**

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**FINANCE COMMITTEE CONTINUED**

**ACTION**

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**R-08-07-16**

**A DECLARATORY 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 BE PASSED THIS EVENING**

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**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**

**PUBLIC HEARING 7-22-08 – 5:30 P.M.**

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**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 amended cost \$4,646,565**

**PUBLIC HEARING 7-22-08 -- 5:30 P.M.**

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**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 – total purchase of property will Exceed \$100,000**

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**REGULATIONS COMMITTEE**

***Marty Bender - Chair***

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

**ACTION**

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**G-08-07-02**

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

**4620 Clubview Drive – 14 foot easement will be vacated and the owner will be able to expand the existing building**

**PUBLIC HEARING 7-22- 5:30 P.M.**

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**Z-08-07-01**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. 0-30 (Sec. 24 of St. Washington Township)**

**5110 North Clinton Street, containing 5.27 acres**

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**R-08-07-06**

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

**Grant them credit for past services**

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# PUBLIC WORKS COMMITTEE

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

## **ACTION**

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**S-08-07-14**

**AN ORDINANCE approving construction contract #7176-08, Rainer Pass and Trevina Court between Hipkind Concrete, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$137,557**

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**S-08-07-03**

**AN ORDINANCE approving construction contract #7173-2008, Concrete Street Repairs 1A-2008 between Key Concrete, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$136,840**

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**S-08-07-04**

**AN ORDINANCE approving construction contract #7164-2008, Kenwood-Glenhurst Concrete Street Repairs between Key Concrete, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$110,489**

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**PUBLIC WORKS COMMITTEE CONTINUED**

## **ACTION**

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**S-08-07-08**

**AN ORDINANCE approving construction contract #7173-08,  
Concrete Street Repairs 1A-08, between Key Concrete, Inc. and  
the City of Fort Wayne, Indiana, in connection with the Board of  
Public Works**

**Total cost of \$136,840**

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**S-08-07-15**

**AN ORDINANCE approving construction contract #7186-08,  
Westwood Valley – Lincoln Park Concrete Street Repairs between  
Hipkind Concrete, Inc. and the City of Fort Wayne, Wayne,  
Indiana, in connection with the Board of Public Works**

**Total cost of \$135,491**

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## **CITY UTILITIES COMMITTEE**

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

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**S-08-07-13**

**AN ORDINANCE approving construction contract #2033-2008,  
Flood Control Program: Westbrook Area between All Star  
Construction and the City of Fort Wayne, Indiana, in connection  
with the Board of Public Works**

**Total cost of \$237,025**

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## **ORDINANCES AND RESOLUTIONS UP FOR PASSAGE**

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

**ACTION**

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**R-08-07-16**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” property commonly known as 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**

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**DO PASS S-08-06-17**

**AN ORDINANCE certifying the professional service agreement for Black & Veatch to provide services for the CSO 017 and CSO 021 Floatables Control Pilot Project of the St. Joe River**  
**Total cost of \$138,360**

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**DO PASS R-08-06-14**

**A RESOLUTION approving an Inducement Resolution authorizing the issuance and sale of Economic Development Revenue Bonds in an amount not to exceed \$5,400,000 – the applicant University of Saint Francis**  
**Total cost of \$5,400,000**

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**REGULATIONS COMMITTEE**

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

**ACTION**

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**Z-08-04-02**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. X-22 (Sec. 26 of St. Joseph Township – Councilmanic District No. 1 8218 Trier Road – to allow for a childcare center**

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**Z-08-06-10**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-11 (Sec. 14 of Wayne Township) – Councilmanic District No. 5  
4039 South Wayne Avenue – allow for a school lunch preparation business**

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**Z-08-06-11**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-30 (Sec. 20 of St. Joseph Township) – Councilmanic District No. 2  
4500 block of Stellhorn Road – future Certified Technology Park uses and expansion of the Innovation Center**

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**G-08-06-12**

**AN ORDINANCE amending the Code of the City of Fort Wayne, Indiana  
The goals and polices of the Memorial Park Neighborhood Plan will be adopted as an amendment to the Comprehensive Plan for the City of Fort Wayne (Plan-it-Allen)**

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**REGULATIONS COMMITTEE  
CONTINUED**

**ACTION**

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**DO PASS S-08-06-13**

**A SPECIAL ORDINANCE establishing new Economic Development Target Areas**

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

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**PUBLIC WORKS COMMITTEE**

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

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**DO PASS     S-08-06-15**  
**AN ORDINANCE approving contract – Ardmore Avenue and Taylor Avenue Intersection – Board of Public Works**  
**Total cost of \$1,255,337.50**

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**DO PASS     S-08-06-16**  
**AN ORDINANCE approving contract – Caribe Boulevard – Board of Public Works**  
**Total cost of \$108,245**

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**CITY UTILITIES COMMITTEE**

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

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**No Ordinances or Resolutions up for passage**

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

**SANDRA E. KENNEDY  
CITY CLERK**

#1141

BILL NO. G-08-07-02

Plat Cabinet No.: 37

Page No: 23-25

GENERAL ORDINANCE NO. G-\_\_\_\_\_

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

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

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

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

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

Part of Block 8 in Engle Ridge Industrial Park, Section "B", part of the West ½ of the Northeast quarter of Section 20, T. 30 N., R. 12 E., Allen County, Fort Wayne, Indiana. More particularly the westerly 14 foot utility easement beginning 516.6 feet south of the North line of said Block 8, Engle Ridge Section "B", then south 400 feet along the West line of the N.E. ¼ Section 20, T. 30 N., R. 12 E. Then east 14 feet along the South line of Block 8, then north 400 feet to the North line of Block 8 then west 14 feet along said line to the Point of Beginning.

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

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

\_\_\_\_\_  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

**BILL NO. R-08-07-06**

**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION APPROVING CREDIT FOR PAST SERVICE  
WITH ANOTHER INDIANA POLITICAL SUBDIVISION  
FOR MARY B. LOPEZ AND ROSIE GUZMAN**

**WHEREAS**, Ordinance G15-92 and City of Fort Wayne Policy and Procedure Number 203 provides employees hired on or after April 2, 1992, may be granted credit for past service with another Indiana political subdivision for the purposes of determining eligibility for vacation leave upon the approval of the Mayor and the Common Council; and

**WHEREAS**, the City of Fort Wayne currently employs MARY B. LOPEZ, CITY UTILITIES AND ROSIE GUZMAN, COMMUNICATIONS and desires to grant them credit for past service with:

MARY P. LOPEZ

CITY OF FORT WAYNE from 9/21/1994 to 12/23/2005

ROSIE GUZMAN

ALLEN COUNTY BOARD OF HEALTH from 1991 to 6/1/2005

for the purpose of determining eligibility for vacation leave; and

**WHEREAS**, approval of the Common Council is necessary to allow Mary B. Lopez and Rosie Guzman credit for their past service with the City of Fort Wayne and the Allen County Board of Health, respectively.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**

**CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** The Common Council of the City of Fort Wayne, Indiana, pursuant to Ordinance G-15-92 and City of Fort Wayne Policy and Procedure Number 203, approves Mary B. Lopez's and Rosie Guzman's credit for past service with:

MARY P. LOPEZ

CITY OF FORT WAYNE from 9/21/1994 to 12/23/2005

ROSIE GUZMAN

ALLEN COUNTY BOARD OF HEALTH from 1991 to 6/1/2005

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

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Council Member

**APPROVED AS TO FORM AND LEGALITY**

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Carol T. Taylor, City Attorney

**BILL NO. R-08-07-10**

**RESOLUTION NO. \_\_\_\_\_**

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

**WHEREAS**, the City of Fort Wayne, through its Board of Public Works, desires to purchase a portion of the property located at 2034 Ardmore Avenue, specifically described in the Ardmore Avenue Parcel 10: (Chateau Wildwood, LLC) Document, Exhibit "A," attached hereto and made a part hereof; and

**WHEREAS**, the City of Fort Wayne, through its Board of Public Works, desires to purchase this property for the Ardmore Avenue and Taylor Road Intersection Project and TowPath Trail Phase I ; and

**WHEREAS**, the purchase price for the property will exceed \$100,000.00; and

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

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

**SECTION 1.** The purchase of real estate by the City of Fort Wayne through its Board of Public Works, located at 2034 Ardmore Avenue, specifically described in the Ardmore Avenue Parcel 10: (Chateau Wildwood, LLC) Document, Exhibit "A," is hereby approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said purchase.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Timothy A. Manges, City Attorney

**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)**

**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 nine full-time, permanent jobs for a current annual payroll of \$268,060, with the average current annual job salary being \$29,784 and retain 58 full-time, permanent jobs for a current annual payroll of \$3,651,105, with the average current annual job salary being \$62,950; and

**WHEREAS**, the total estimated amended project cost is \$4,646,565; and

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

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

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

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

**SECTION 1.** That, the Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1 regarding the failure to amend the estimated completion date on the approved Statement of Benefits Form (SB-1/PP) under R-96-05 before the installation of equipment for which TransWorks desires to claim an economic revitalization area deduction. Such

waiver shall be in effect for personal property improvements during the period of January 1, 2007 through the date of this resolution and is granted through the authority of I.C. 6-1.1-12.1-9.5, I.C. 6-1.1-12.1-11.3, I.C. 6-1.1-31-1, and 50 I.A.C. 10-4-1(a)(2) and (3).

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

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

**SECTION 4.** That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of personal property for new information technology equipment.

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

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

- (a) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.8470/\$100.
- (b) 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 \$2.8470/\$100 (the change would be negligible).
- (c) 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 \$2.8470/\$100 (the change would be negligible).

**SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new information technology equipment shall be

for a period of five years.

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

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

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

- A. The cost and description of 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 personal property deductions.
- F. The tax savings resulting from the personal property being abated.

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

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

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

**DECLARATORY RESOLUTION NO. R-\_\_\_\_\_**

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

**WHEREAS**, Petitioner has duly filed its petition dated June 11, 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 13 full-time and 19 part-time, permanent jobs for a total new, annual payroll of \$1,209,000, with the average new annual job salary being \$37,781 and retain 12 full-time, permanent jobs for a total current annual payroll of \$350,000, with the average current, annual job salary being \$29,167; and

**WHEREAS**, the total estimated project cost is \$2,500,000; and

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

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

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

**SECTION 2.** That, upon adoption of the Resolution:

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

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

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

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

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

**SECTION 6.** That, this Resolution shall be subject to being confirmed, modified

and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

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

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

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

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

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

**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 13 full-time and 19 part-time, permanent jobs for a total additional payroll of \$1,209,000, with the average new annual job salary being \$37,781 and retain 12 full-time, permanent jobs for a current annual payroll of \$350,000, with the average current annual job salary being \$29,167; and

**WHEREAS**, the total estimated project cost is \$2,500,000; and

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

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

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

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

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

**SECTION 2.** That, the hereinabove described property is hereby declared an

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

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

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

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

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

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

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

**SECTION 8.** For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the City of Fort Wayne’s Community Development Division and must be included with the deduction

application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

**SECTION 9.** The performance report must contain the following information

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

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

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

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

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

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

AN ORDINANCE approving CONSTRUCTION CONTRACT: #7173-2008, CONCRETE STREET REPAIRS 1A-2008 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: #7173-2008, CONCRETE STREET REPAIRS 1A-2008 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 Concrete Street Repairs 1A-2008;

involving a total cost of ONE HUNDRED THIRTY-SIX THOUSAND, EIGHT HUNDRED FORTY AND NO/100 DOLLARS - (\$136,840.00).

**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-08-07-04**

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

AN ORDINANCE approving CONSTRUCTION CONTRACT #7164-2008, KENWOOD-GLENHURST CONCRETE STREET REPAIRS 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 #7164-2008, KENWOOD-GLENHURST CONCRETE STREET REPAIRS 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  
KENWOOD-GLENHURST CONCRETE STREET REPAIRS;

involving a total cost of ONE HUNDRED TEN THOUSAND, FOUR HUNDRED EIGHTY-NINE AND NO/100 DOLLARS - (\$110,489.00).

**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-08-07-05**

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

**AN ORDINANCE** approving the awarding of ITB#2842 - BUCKNER PARK SAFETY SURFACE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and RECSOURCE for the PARKS AND RECREATION DEPARTMENT.

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

**SECTION 1.** That ITB#2842 - BUCKNER PARK SAFETY SURFACE between the City of Fort Wayne, by and through its Department of Purchasing and RECSOURCE for the PARKS AND RECREATION DEPARTMENT, respectfully for:

install new poured in place safety surface at Buckner Park:  
involving a total cost of ONE HUNDRED TWO THOUSAND, NINE HUNDRED EIGHTY AND 80/100 DOLLARS - (\$102,980.80) all as more particularly set forth in said ITB#2842 - BUCKNER PARK SAFETY SURFACE , which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

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

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

AN ORDINANCE approving CONSTRUCTION CONTRACT #7173-08, CONCRETE STREET REPAIRS 1A-08 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 #7173-08, CONCRETE STREET REPAIRS 1A-08 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 CONCRETE STREET REPAIRS 1A-08;

involving a total cost of ONE HUNDRED THIRTY-SIX THOUSAND, EIGHT HUNDRED FORTY AND NO/100 DOLLARS - (\$136,840.00).

**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

**AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR THE SERVICES OF A CONSULTANT TO PROVIDE PROJECT MANAGEMENT SERVICES TO ASSIST IN THE PUBLIC WORKS TRANSPORTATION IMPROVEMENT PROGRAM (TIP).**

**WHEREAS**, the Board of Public Works desires to hire a consultant for to provide project management services to assist in developing improvements to the Public Works Transportation Improvement Program (TIP); and

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

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

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

**SECTION 1.** The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of a consultant to provide project management services to assist in developing improvements to the Public Works Transportation Improvement Program (TIP)

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

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

APPROVED AS TO FORM AND LEGALITY

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

**BILL NO. S-08-07-12**

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

**AN ORDINANCE APPROVING RESOLUTION #2106-2009,  
SERVICES OF A CONSULTANT TO DEVELOP THE  
FORT WAYNE RAIN GARDEN PROGRAM, BETWEEN  
BLACK & VEATCH CORPORATION AND THE CITY OF  
FORT WAYNE, INDIANA, IN CONNECTIONS WITH THE  
BOARD OF PUBLIC WORKS.**

**WHEREAS**, the Board of Public Works desires to hire a consultant, Bland & Veatch Corporation, to develop the Fort Wayne Rain Garden Program; and

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

**WHEREAS**, it is anticipated that the amount to be paid to said consultant will be ONE HUNDRED SEVENTY-EIGHT THOUSAND, NINE HUNDRED AND NO/100 DOLLARS – (\$178,900.00).

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

**SECTION 1.** The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of a consultant to develop the Fort Wayne Rain Garden Program.

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

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

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Carol Taylor, City Attorney

**BILL NO. S-08-07-13**

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

AN ORDINANCE approving CONSTRUCTION CONTRACT #2033-2008, FLOOD CONTROL PROGRAM: WESTBROOK AREA 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 CONSTRUCTION CONTRACT #2033-2008, FLOOD CONTROL PROGRAM: WESTBROOK AREA 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 demolition of existing asphalt pavement on Westbrook Drive between Edgehill Avenue and North Clinton Street, construction of an earthen berm, construction of horizontal infiltration sumps with 12-inch HDPE smooth wall perforated pipe, rain garden planting and seeding, drainage piping and appurtenances, concrete curb, relocation of existing street lights, sit restoration, and erosion control:

involving a total cost of TWO HUNDRED THIRTY-SEVEN THOUSAND, TWENTY-FIVE AND NO/100 DOLLARS - (\$237,025.00). 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-08-07-14**

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

AN ORDINANCE approving CONSTRUCTION CONTRACT #7176-08, RAINER PASS AND TREVINA COURT between HIPSKIND CONCRETE, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

**SECTION 1.** That the CONSTRUCTION CONTRACT #7176-08, RAINER PASS AND TREVINA COURT by and between HIPSKIND CONCRETE, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for reconstructing the existing concrete street on Rainer Pass from Aboite Lake Drive south to the cul-de-sac and Trevina Court from Aboite Lake Drive east to the cul-de-sac. Other improvements may include subsurface drainage and restoration:

involving a total cost of ONE HUNDRED THIRTY-SEVEN THOUSAND, FIVE HUNDRED FIFTY-SEVEN AND NO/100 DOLLARS - (\$137,557.00). 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-08-07-15**

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

AN ORDINANCE approving CONSTRUCTION CONTRACT #7186-08, WESTWOOD VALLEY - LINCOLN PARK CONCRETE STREET REPAIRS between HIPSKIND CONCRETE, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

**SECTION 1.** That the CONSTRUCTION CONTRACT #7186-08, WESTWOOD VALLEY - LINCOLN PARK CONCRETE STREET REPAIRS by and between HIPSKIND CONCRETE, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for concrete street repairs of various areas along the 2400 block of Woodvalley Drive, 2400 block of Bellflower Lane, 2700 block of Autumn Leaf Lane and the 2700-2800 blocks of North Highlands Boulevard. Other improvements may include subsurface drainage and restoration:

involving a total cost of ONE HUNDRED THIRTY-FIVE THOUSAND, FOUR HUNDRED NINETY-ONE AND NO/100 DOLLARS - (\$135,491.00). 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

#1140

BILL NO. Z-08-07-01

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

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. O-30 (Sec. 24 of St. Washington 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 CM2

(Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code  
of the City of Fort Wayne, Indiana:

PARCEL I:

Part of the West half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows: Beginning at a point on the North line of the West half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, said point being South 87 degrees, 24 minutes 06 seconds West (Deed bearing and the basis for the bearings in this description), a distance of 767.95 feet from the Northeast corner of the W ½ of the SE ¼ of Sec. 24-31-12; thence South 87 degrees 24 minutes 06 seconds West along the North line of the W ½ of the SE ¼ of Sec. 24-31-12, a distance of 443.05 feet to a point on the East right-of-way line of North Clinton Street (formerly Leo Road); thence Southerly along the East right-of-way line, on a curve to the left having a radius of 1834.86 feet, a central angle of 06 degrees 37 minutes, and a chord distance of 211.78 feet bearing South 00 degrees 39 minutes West, an arc distance of 211.9 feet to a concrete monument marking the point of tangency of said curve; thence North 89 degrees 00 minutes 10 seconds East, a distance of 76.0 feet to a point on a non-tangent curve; thence Southeasterly along a curve to the left having a radius of 205.0 feet, a central angle of 51 degrees 30 minutes 15 seconds, and a chord distance of 178.14 feet bearing South 26 degrees 44 minutes 55 seconds East, an arc distance of 184.28 feet; thence South 28 degrees 57 minutes 50 seconds West, a distance of 33.83 feet to a point on a non-tangent curve; thence Southwesterly along a curve to the right having a radius of 105.0 feet, a central angle of 64 degrees 00 minutes 55 seconds, and a chord distance of 111.31 feet bearing South 38 degrees 08 minutes 40 seconds West, an arc distance of 117.31 feet; thence South 73 degrees 25 minutes 45 seconds West, a distance of 30.0 feet to a point on the North right-of-way line of Medical Park Drive, said point being North 87 degrees 32 minutes East, a distance of 30.0 feet from the intersection of said North right-of-way line, with the aforementioned East right-of-way line of North Clinton Street; thence North 87 degrees 32 minutes East, along the North right-of-way line of Medical Park Drive, a distance of 110.28 feet; thence North 23 degrees 09 minutes 40 seconds West, a distance of 17.53 feet; thence North 33 degrees 08 minutes East, a distance of 95.63 feet to a point on a non-tangent curve; thence Northeasterly along a curve to the left having a radius of 205.0 feet, a central angle of 51 degrees 42 minutes 55 seconds, a chord distance of 178.82 feet bearing North 88 degrees 03 minutes 50 seconds East, an arc distance of 185.03 feet; thence South 27 degrees 47 minutes 40 seconds East, a distance of 22.25 feet; thence North 73 degrees 05 minutes 03 seconds East, a distance of 5.35 feet; thence North 86 degrees 34 minutes 40 seconds East (North 87 degrees 29 minutes East, Deed), a distance of 118.97 feet; thence North 00 degrees 47 minutes 40 seconds West (North 01 degree 40 minutes 43 seconds West, Deed), a distance of 210.0 feet; thence North 29 degrees 20 minutes West (North 30 degrees 18 minutes 43 seconds West, Deed), a distance of 125.45 feet (125.25 feet, Deed); thence North

00 degrees 47 minutes 40 seconds West (North 01 degree 40 minutes 43 seconds West, Deed), a distance of 100.0 feet to the point of beginning, containing 4.062 acres.

#### PARCEL II:

Part of the West half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows: Commencing at a point on the North line of the West half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, said point being South 87 degrees 24 minutes 06 seconds West (Deed bearing and the basis for the bearings in this description), a distance of 767.95 feet from the Northeast corner of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 24-31-12; thence South 87 degrees 24 minutes 06 seconds West along the North line of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 24-31-12, a distance of 443.05 feet to a point on the East right-of-way line of North Clinton Street (formerly Leo Road); thence Southerly, along said East right-of-way line, on a curve to the left having a radius of 1834.86 feet, a central angle of 06 degrees 37 minutes and a chord distance of 211.78 feet, bearing South 00 degrees 39 minutes West, an arc distance of 211.9 feet to a concrete monument marking the point of tangency of said curve; thence South 02 degrees 28 minutes East, along said East right-of-way line, a distance of 285.0 feet to a point on the North right-of-way line of Medical Park Drive; thence North 87 degrees 32 minutes East, along said North right-of-way line, a distance of 140.28 feet to the true point of beginning; thence North 23 degrees 09 minutes 40 seconds West, a distance of 17.53 feet; thence North 33 degrees 08 minutes East, a distance of 95.63 feet to a point on a non-tangent curve; thence Northeasterly along a curve to the left having a radius of 205.0 feet, a central angle of 51 degrees 42 minutes 55 seconds, a chord distance of 178.82 feet bearing North 88 degrees 03 minutes 50 seconds East, an arc distance of 185.03 feet; thence South 27 degrees 47 minutes 40 seconds East, a distance of 22.25 feet; thence south 03 degrees 19 minutes East (South 02 degrees 47 minutes 16 seconds East, Deed), a distance of 120.25 feet to a point on the aforementioned North right-of-way line of Medical Park Drive; thence North 62 degrees 28 minutes West, along said right-of-way line, a distance of 14.0 feet (14.42 feet, Deed) to a point of curvature; thence Northwesterly along said right-of-way line, on a curve to the left having a radius of 304.9 feet, a central angle of 30 degrees 00 minutes, a chord distance of 157.83 feet bearing North 77 degrees 28 minutes West, an arc distance of 159.65 feet to a point of tangency; thence South 87 degrees 32 minutes West, along said right-of-way line, a distance of 75.0 feet to the point of beginning, containing 0.473 acres.

#### PARCEL III

Part of West half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows: Commencing at a point on the North line of the West half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, said point being South 87 degrees 24 minutes 06 seconds West (Deed bearing and the basis for the bearings in this description); a distance of 767.95 feet from the Northeast corner of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 24-31-12; thence South 87 degrees 24 minutes 06 seconds West along the North line of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Sec. 24-31-12, a distance of 443.05 feet to a point on the East right-of-way line of North Clinton Street (formerly Leo Road); thence Southerly along said East right-of-way line, on a curve to the left having a radius of 1834.86 feet, a central angle of 06 degrees 37 minutes, and a chord distance of 211.78 feet, bearing South 00 degrees 39 minutes West, an arc distance of 211.9 feet to a concrete monument marking the point of tangency of said curve and the true point of beginning; thence North 89 degrees 00 minutes 10 seconds East, a distance of 76.0 feet to a point on a non-tangent curve; thence Southeasterly along a curve to the left having a radius of 205.0 feet, a central angle of 51 degrees 30 minutes 15 seconds, and a chord distance of 178.14 feet bearing South 26 degrees 44 minutes 55 seconds East, an arc distance of 184.28 feet; thence South 28 degrees 57 minutes 50 seconds West, a distance of 33.83 feet to a point on a non-tangent curve; thence Southwesterly along a curve to the right having a radius of 105.0 feet, a central angle of 64 degrees 00 minutes 55 seconds, and a chord distance of 111.31 feet bearing South 38 degrees 08 minutes 40 seconds West, an arc distance of 117.31 feet; thence South 73 degrees 25 minutes 45 seconds West, a distance of 30.0 feet to a point on the North right-of-way line of Medical Park Drive; thence South 87 degrees 32 minutes West, along said right-of-way line, a distance of 30.0 feet to a point on the

aforementioned East right-of-way line of North Clinton Street; thence North 02 degrees 28 minutes West, along said East right-of-way line, a distance of 285.0 feet to the point of beginning, containing 0.735 acres.

**and the symbols of the City of Fort Wayne Zoning Map No. O-30 (Sec. 24 of Washington 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

