

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
DECEMBER 8, 2009**

FINANCE COMMITTEE

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

ACTION

S-09-12-14

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, supplementing and amending Ordinance No. S-134-07 authorizing the acquisition by the City of Fort Wayne, Indiana, of certain improvements and extensions to the City's Waterworks, the issuance and sale of revenue bonds to provide funds for the payment.

R-09-12-01

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving the proposed budgets of the Fort Wayne-Allen County Convention and Tourism Authority (d.b.a. Grand Wayne Center) and Fort Wayne-Allen County Convention Visitors Bureau for the calendar year 2010

To be passed this evening

FINANCE COMMITTEE CONTINUED

ACTION

R-09-12-04

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8727 Clinton Park Drive, Fort Wayne, Indiana 46825 (Nemomed FW,LLC)

Total cost of \$8,400,000

To be passed this evening

R-09-12-05

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8727 Clinton Park Drive, Fort Wayne, Indiana 46825 (Nemcomed FW,LLC)

Total cost of \$8,400,000

Public Hearing to be held 1-12-10 - 5:30 p.m.

R-09-12-06

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2042 Broadway, Fort Wayne, Indiana 46802 (Metro Real Estate, Inc.)

Total cost of \$250,000

To be passed this evening

R-09-12-07

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2042 Broadway, Fort Wayne, Indiana 46802 (Metro Real Estate, Inc.)

Total cost of \$250,000

Public Hearing to be held 1-12-10 - 5:30 P.M.

REGULATIONS COMMITTEE

*Thomas F. Didier - Chair
John Shoaff - Co-Chair
All Council Members*

ACTION

R-09-12-11

A RESOLUTION approving the Fort Wayne/Allen County Joint Ledge Agreement between the Allen County Redevelopment Commission, the Board of Commissioners of the City of Fort Wayne, the Fort Wayne Common Council, the Allen County Council and General Motors, LLC

G-09-12-13

AN ORDINANCE amending Section 73.42 Sunset Provision: Ardmore Avenue and Freeman Street, of the City of Fort Wayne, Indiana, Code of Ordinances

PUBLIC WORKS COMMITTEE

*Marty Bender - Chair
Karen E. Goldner-Co-Chair
All Council Members*

S-09-12-03

AN ORDINANCE approving construction contract and Change Order for #2030-2007; Work Order 80541 – Flood Control Program: Woodhurst Area between Michael Kinder & Sons, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$2,979,988.42

CITY UTILITIES COMMITTEE

Tim Pape - Chair
Mitch Harper - Co-Chair
All Council Members

ACTION

S-09-12-12

AN ORDINANCE approving extension of Cart Maintenance Contract – Bid #2263-May 2005 between Toter Inc. and the City Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$170,607

S-09-12-08

AN ORDINANCE approving the awarding of ITB #3119-annual requirement for the purchase of small (Residential) Water Meters by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Elster Amco for the Water Maintenance & Service Department

Total cost of \$353,864.75

S-09-12-02

AN ORDINANCE approving the awarding of increase RFQ #2917-purchase and delivery of fluoride by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and LCI, LTD for the Three Rivers Filtration Plant

Total cost of \$130,000

CITY UTILITIES COMMITTEE CONTINUED

ACTION

S-09-12-10

AN ORDINANCE approving construction contract for Resolution #2108-2008 – State Road 1 (Martin Ditch to Tonkel Road) – Water Main Relocation between Scheidleman Excavating, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$379,772.61

S-09-12-09

AN ORDINANCE approving the awarding of increase of RFQ #2994 – annual requirements for the purchase of concrete in 2009 by and through its Department of Purchasing and Erie Haven for the WPC Maintenance and Stormwater Maintenance Departments

Total cost of \$128,000

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, SUPPLEMENTING AND AMENDING ORDINANCE NO. S-134-07 AUTHORIZING THE ACQUISITION BY THE CITY OF FORT WAYNE, INDIANA, OF CERTAIN IMPROVEMENTS AND EXTENSIONS TO THE CITY'S WATERWORKS, THE ISSUANCE AND SALE OF REVENUE BONDS TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS OF THEREOF, THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS, AND THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH WATERWORKS AND OTHER RELATED MATTERS

WHEREAS, the City of Fort Wayne, Indiana (the "City") has heretofore established and constructed and currently owns and operates a waterworks by and through its Board of Public Works (the "Board") for the provision of public water supply to the City and its inhabitants (the "Waterworks"), in accordance with the provisions of Indiana Code 8-1.5, as amended (the "Act"); and

WHEREAS, the Common Council (the "Common Council") of the City has previously adopted Ordinance No. S-134-07 (the "Bond Ordinance") authorizing the issuance of waterworks utility revenue bonds by the City to finance the cost of the acquisition of the Project (as defined in the Bond Ordinance); and

WHEREAS, the City had issued its Bond Anticipation Notes, Series 2009, on February 11, 2009, in an aggregate principal amount of \$17,840,000, which mature on February 11, 2010 (the "2009 Notes"); and

WHEREAS, the Common Council desires to amend certain provisions of the Bond Ordinance by adopting this ordinance (the "Amending Ordinance") to (i) modify certain terms of the Bond Ordinance; (ii) provide for the refunding of the 2009 Notes by negotiated sale; and (iii) make certain other amendments to the Bond Ordinance in connection therewith;

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

Section 1. Section 3 of the Bond Ordinance is hereby amended as follows:

Section 3. The Bonds. In accordance with the Act and for the purpose of providing funds with which to pay the costs of the Project, together with all

authorized costs relating thereto including the costs of issuance of the bonds on account thereof, and refunding the BANs, if any, described below, the City shall issue and sell its waterworks utility revenue bonds in an aggregate principal amount not to exceed Twenty-one Million Fifteen Thousand and 00/100 Dollars (\$21,015,000.00) (the "Bonds"). The principal of and redemption premium, if any, and interest on the Bonds shall be payable solely out of the Waterworks Sinking Fund referred to below, on a parity with the Prior Bonds.

Any other provisions of this Ordinance to the contrary notwithstanding, the Bonds shall be issued on a parity with the Prior Bonds, and none of the provisions of this Ordinance shall be construed to affect the rights of the holders of the Prior Bonds. The Controller is authorized to employ the Financial Advisor, or any other certified public accountant or firm of certified public accountants to perform any and all computations necessary to confirm the preliminary evidence and findings demonstrating compliance with the conditions set forth in the Prior Ordinances for the issuance of additional revenue bonds on parity with the Prior Bonds. The City shall not issue the Bonds without first receiving a certificate from the Financial Advisor or other certified public accountant or firm of certified public accountants in form and substance satisfactory to the Controller and Baker & Daniels LLP, Fort Wayne, Indiana, bond counsel for the City, and to the effect that the City and the Waterworks are in complete compliance with the conditions set forth in the Prior Ordinances for the issuance of additional revenue bonds on parity with the Prior Bonds.

The Bonds shall be designated as the "City of Fort Wayne, Indiana, Waterworks Utility Revenue Bonds, Series 200_" (with the year of issuance to be completed upon the issuance of the Bonds). The Bonds shall be issued as fully registered bonds in denomination or denominations of Five Thousand Dollars (\$5,000) and any integral multiples thereof not exceeding the aggregate principal amount of such Bonds maturing in any one year, or in the event that the Bonds are sold to the Bond Bank pursuant to Indiana Code 5-1.5 and Section 11 hereof, shall be in such denominations as the Bond Bank may request. The Bonds shall be numbered consecutively from __R-1 upward (with the blank to be filled in with the last two digits of the calendar year of issuance of the Bonds) and shall bear interest at a rate or rates not exceeding eight percent (8.0%) per annum (the exact rate or rates to be determined by negotiation with the Bond Bank or by bidding, as further described in Section 11 hereof). Said interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%) if sold by bidding and one-one hundredth (1/100) of one percent (.01%) if sold by negotiations. All Bonds and/or BANs maturing on the same date shall bear the same rate of interest on Bonds and/or BANs of an earlier maturity. Interest on the Bonds shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year and shall be payable semiannually on June 1 and December 1 of each year (each, an "Interest Payment Date"), commencing not earlier than the June 1 or December 1 following the sale date of the Bonds, with the first interest payment date to be determined by the Controller with the advice of the Financial Advisor and set forth in the Issuer's Certificate (as

hereinafter defined), until principal is fully paid. The principal of the Bonds shall mature serially on December 1 of each year, commencing not earlier than the December 1 next following the sale date of the Bonds, and ending not later than the December 1 which is not more than twenty (20) years following such date on the dates and in the principal amounts as set forth in the Issuer's Certificate. The final amortization schedule for the Bonds shall be certified by the Controller to effectuate annual debt service as level as practicable (which may, if deemed in the City's best interest, take into consideration the remaining debt service on the Prior Bonds).

The Bonds shall bear an original issue date which shall be the date of delivery of the Bonds, as set forth in the Issuer's Certificate (unless otherwise provided in the Purchase Agreement (as hereinafter defined) in the event the Bonds are sold to the Bond Bank), and each Bond shall also bear the date of its authentication. Any Bond authenticated on or before the fifteenth day of the calendar month immediately preceding the first Interest Payment Date shall pay interest from its original issue date (unless otherwise provided in the Purchase Agreement in the event the Bonds are sold to the Bond Bank). Any Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Bond to which interest thereon has been paid or duly provided for, unless such Bond is authenticated after the fifteenth day of the calendar month immediately preceding an Interest Payment Date and on or before such Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

Section 2. Section 6 of the Bond Ordinance is hereby amended as follows:

Section 6. The BANs. In anticipation of the issuance and sale of the Bonds authorized herein, and to provide interim financing to apply to the costs of the Project and to refund the outstanding 2009 Notes, the City is hereby authorized to have prepared and to issue and sell negotiable BANs of the City to an eligible purchaser of the BANs under Indiana Code 5-1-14-5 or the Bond Bank, pursuant to a Bond Anticipation Note Purchase Agreement (the "BAN Purchase Agreement") entered into between the City and the purchaser of the BANs, in an aggregate principal amount not to exceed Seventeen Million Eight Hundred Forty Thousand and 00/100 Dollars (\$17,840,000.00), to be designated "City of Fort Wayne, Indiana, Waterworks Utility Revenue Bond Anticipation Notes, Series 2009" (with the year of issuance to be changed, as appropriate, in the event the BANs are issued in a calendar year after 2009). The BANs shall be issued pursuant to Indiana Code 5-1.5-8-6.1 if sold to the Bond Bank, or pursuant to Indiana Code 5-1-14-5 if sold to an eligible purchaser thereunder. The BANs shall be issued in fully registered form, shall be numbered consecutively from 09R-1 upwards (with the first two digits to be replaced with the last two digits of the calendar year of issuance in the event the BANs are issued in a calendar year after 2009), shall be in such denominations as the purchaser of the BANs may request, shall be dated as of the date of delivery of the BANs, and shall bear interest at a rate or rates not exceeding ten percent (10.0%) per annum (the exact rate or rates of interest to be determined by negotiations with the purchaser of the BANs and payable as provided in the

BAN Purchase Agreement). The initial BANs delivered will mature on the date provided in the BAN Purchase Agreement, not later than one (1) year after their date of issuance. The BANs may be subject to renewal or extension or refunding, subject to the limitations set forth below, at an interest rate or rates not to exceed ten percent (10.0%) per annum, with the exact rate to be negotiated with the purchaser of such BANs. 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 principal of the BANs shall be refunded and retired out of the proceeds from the issuance and sale hereunder of the Bonds or the net revenues of the Waterworks, subject to the prior lien thereon of the Prior Bonds. The principal of the BANs, and the principal of and interest on the BANs prepaid in accordance with Section 7 hereof shall be refunded by the issuance of the Bonds pursuant to, and in the manner prescribed by the Act. The interest on the BANs shall be payable either from the net revenues of the Waterworks, subject to the prior lien thereon of the Prior Bonds, or from proceeds from the issuance and sale hereunder of the Bonds, as set forth in the BAN Purchase Agreement.

Section 3. Section 7(a) of the Bond Ordinance is hereby amended as follows:

Section 7. Optional Prepayment of BANs; Optional Redemption of the Bonds; Term Bonds.

(a) Optional Prepayment of BANs. The BANs shall be subject to prepayment by the City, in whole and not in part, at a time to be determined by the Controller and set forth in the Issuer's Certificate. In the case of prepayment, the principal and accrued interest due on the BANs shall be paid only from proceeds of the Bonds, except that such principal and interest due on the BANs may also be paid from other revenues and funds legally available therefor, if any, including federal or state funds available for application to the Project; provided, however, that such funds are not pledged to the payment of the BANs.

Section 4. Section 11(a) and (b) of the Bond Ordinance is hereby amended as follows:

Section 11. Issuance, Sale and Delivery of the Bonds and the BANs.

(a) Generally. The Controller is hereby authorized and directed to have the Bonds and the BANs prepared, and the Mayor, the Controller and the Clerk are each hereby authorized and directed to execute, countersign and attest, respectively, the Bonds and the BANs in the form and manner herein provided. The Controller is hereby authorized and directed to deliver the Bonds and the BANs to the purchaser or purchasers thereof after sale made in accordance with the provisions of the Act and this Ordinance, provided that at the time of said delivery the Controller shall collect the full amount which the purchaser or purchasers have agreed to pay therefor, which shall be not less than ninety-nine percent (99.0%) of the par amount of the Bonds (or such higher percentage of the par value of the Bonds as determined by the Controller and set forth in the Issuer's Certificate), plus accrued interest

thereon, if any, to the date of delivery, and in the case of the BANs, shall not be less than ninety-nine percent (99.0%) of the par amount of the BANs. The City may receive payment for the Bonds and the BANs in installments. The proceeds derived from the sale of the Bonds (or, instead, the BANs, if such BANs are issued), shall be and are hereby set aside for application to the costs of the Project, including all authorized costs relating thereto, and including the respective costs of issuance of the Bonds and the BANs. The authorized officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

(b) 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 or the Bond Bank pursuant to 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.

The BANs may be offered and sold pursuant to an Official Statement with respect to the BANs (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 Mayor (a) to authorize and approve a Preliminary Official Statement, as the same may be appropriately modified and amended for distribution as the Preliminary Official Statement with respect to the BANs; (b) to designate the Preliminary Official Statement a "final" Official Statement with respect to the BANs, subject to completion; (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 to provide for the

distribution of a sufficient number of copies of the Official Statement; and (d) to execute the Official Statement. The Mayor and the Controller are hereby further authorized to have prepared and execute an agreement for purposes of evidencing the obligation of the City to comply with any continuing disclosure requirements with respect to the BANs, if necessary under the Rule.

Section 5. This Amending Ordinance is adopted by the Common Council for purposes of supplementing and amending the Bond Ordinance, and the terms and conditions of the Bond Ordinance and all references to "BANs" as set forth in the Bond Ordinance, to the extent not inconsistent with the terms of this Amending Ordinance, are incorporated herein by reference and shall apply to all BANs issued hereunder as if set forth herein.

Section 6. Effectiveness. Except as hereby supplemented and amended hereby, the Bond Ordinance shall remain in full force and effect.

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Adopted by the Common Council of the Fort Wayne,
Indiana, on this ____day of _____, 2009.

COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Presiding Officer

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving the proposed budgets of the Fort Wayne-Allen County Convention and Tourism Authority (d.b.a. Grand Wayne Center) and Fort Wayne-Allen County Convention Visitors Bureau for the calendar year 2010.

WHEREAS, the Board of managers of the Fort Wayne-Allen County Convention and Tourism Authority (d.b.a. Grand Wayne Center) and Fort Wayne-Allen County Convention Visitors Bureau have prepared and submitted to this body proposed budgets for the calendar year 2010, in accordance with the provisions of I.C. 36-10-8-8, which budgets this body finds to be proper and acceptable.

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

SECTION 1. That the proposed budgets of the Fort Wayne-Allen County Convention and Tourism Authority (d.b.a. Grand Wayne Center) and Fort Wayne-Allen County Convention Visitors Bureau for the calendar year 2010, as submitted to this Council on December 8, 2009, be and the same are hereby approved.

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.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8727 Clinton Park Drive, Fort Wayne, Indiana 46825 (Nemcomed FW, LLC)

WHEREAS, Petitioner has duly filed its petition dated November 18, 2009 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 75 full-time, permanent jobs for a total new, annual payroll of \$3,653,035, with the average new annual job salary being \$48,707 and retain 55 full-time, permanent jobs for a total current annual payroll of \$2,579,720, with the average current, annual job salary being \$46,904; and

WHEREAS, the total estimated project cost is \$8,400,000; and

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

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

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

SECTION 2. That, upon adoption of the Resolution:

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

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

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of redevelopment or rehabilitation and the estimate of the value of new manufacturing equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of new manufacturing 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 \$2.7438/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7438/\$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 \$2.7438/\$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 \$2.7438/\$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 \$2.7438/\$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 \$2.7438/\$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 equipment shall be for a period of ten years.

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

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

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

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8727 Clinton Park Drive, Fort Wayne, Indiana 46825 (Nemcomed FW, LLC)

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

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

WHEREAS, said project will create 75 full-time, permanent jobs for a total additional annual payroll of \$3,653,035, with the average new annual job salary being \$48,707 and retain 55 full-time, permanent jobs for a current annual payroll of \$2,579,720, with the average current annual job salary being \$46,904; and

WHEREAS, the total estimated project cost is \$8,400,000; and

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

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

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

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

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

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

“Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new manufacturing 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 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 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 \$2.7438/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7438/\$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 \$2.7438/\$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 \$2.7438/\$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 \$2.7438/\$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 \$2.7438/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 61.1-12.1, 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 equipment shall be for a period of ten 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 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 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

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 2042 Broadway, Fort
Wayne, Indiana 46802 (Metro Real Estate, Inc.)**

WHEREAS, Petitioner has duly filed its petition dated October 27, 2009 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 result in the occupation of an eligible vacant building under I.C. 6-1.1-12.1-4.8; and

WHEREAS, said project will create 16 full-time and three part-time, permanent jobs for a total additional payroll of \$676,000, with the average new annual job salary being \$35,579, and retain five full-time, permanent jobs for a total current annual payroll of \$220,000, with the average current, annual job salary being \$44,000; and

WHEREAS, the total estimated project cost of real property improvements is \$250,000; and

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

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

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

increments per I.C. 6-1.1-12.1-9.

SECTION 2. That, upon adoption of the Resolution:

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

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

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 the proposed occupation of the eligible vacant building and the value of the redevelopment or rehabilitation of the eligible vacant building, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described occupation and redevelopment or rehabilitation of the eligible vacant building.

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

- (a) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be \$2.8565/\$100.
- (b) If the proposed occupation of the eligible vacant building does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.8565/\$100 (the change would be negligible).
- (c) If the proposed occupation of the eligible vacant building occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.8565/\$100 (the change would be negligible).
- (d) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.8565/\$100.

- (e) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.8565/\$100 (the change would be negligible).
- (f) 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 \$2.8565/\$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 occupation of the eligible vacant building shall be for a period of two years and the deduction from the assessed value of the real property improvements 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, 4.5 or 4.8 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 2042 Broadway, Fort
Wayne, Indiana 46802 (Metro Real Estate, 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 result in the occupation of an eligible vacant building under I.C. 6-1.1-12.1-4.8; and

WHEREAS, said project will create 16 full-time and three part-time, permanent jobs for a total additional payroll of \$676,000, with the average new annual job salary being \$35,579, and retain five full-time, permanent jobs for a total current annual payroll of \$220,000, with the average current, annual job salary being \$44,000; and

WHEREAS, the total estimated project cost of real property improvements is \$250,000; and

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

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

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

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

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

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

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

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 the occupation of the eligible vacant building and the value of the redevelopment or rehabilitation of the eligible vacant building, 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 occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be \$2.8565/\$100.
- (b) If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.8565/\$100 (the change would be negligible).
- (c) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.8565/\$100 (the change would be negligible).
- (d) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.8565/\$100.
- (e) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$2.8565/\$100 (the change would be negligible).

- (f) 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 \$2.8565/\$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 eligible vacant building shall be for a period of two years and the deduction from the assessed value of real property improvements 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, 4.5 or 4.8 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

A RESOLUTION APPROVING THE FORT WAYNE/ALLEN COUNTY JOINT LEDGE AGREEMENT BETWEEN THE ALLEN COUNTY REDEVELOPMENT COMMISSION, THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, CITY OF FORT WAYNE, THE FORT WAYNE COMMON COUNCIL, THE ALLEN COUNTY COUNCIL AND GENERAL MOTORS, LLC

WHEREAS, the Allen County Redevelopment Commission, the Board of Commissioners of the County of Allen, City of Fort Wayne, the Fort Wayne Common Council, the Allen County Council and General Motors, LLC. desire to enter into a joint agreement to encourage the retention of and possible expansion of job opportunities in the community; and

WHEREAS, I.C. 36-7-14-33 allows for establishing the Agreement between the agencies which are a party to the Agreement to foster economic development and to benefit the general welfare of the community.

WHEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE that:

SECTION 1 . The Common Council of the City of Fort Wayne, Indiana approves The Fort Wayne/Allen County Joint Ledge Agreement (attached

hereto and marked Exhibit “A”) between the Allen County Redevelopment Commission, the Board of Commissioners of the County of Allen, City of fort Wayne, the Fort Wayne Common Council, the Allen County Council and General Motors, LLC.

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

Council Member

APPROVED AS TO FORM LEGALITY

Carol Taylor, City Attorney

BILL NO. G-09-12-13

GENERAL ORDINANCE NO. G-_____

**AN ORDINANCE AMENDING SECTION 73.42
SUNSET PROVISION: ARDMORE AVENUE AND
FREEMAN STREET, OF THE CITY OF FORT
WAYNE, INDIANA, CODE OF ORDINANCES**

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

SECTION 1. That Section 73.42 Sunset Provision: Ardmore Avenue and Freeman Street, (A) (1) of the Code of Ordinances of the City of Fort Wayne, Indiana, be amended as follows:

**§ 73.42 SUNSET PROVISION: ARDMORE AVENUE
AND FREEMAN STREET**

A. (1) December 31, 2010 or

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Council Attorney

BILL NO. S-09-12-03

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT AND CHANGE ORDER FOR #2030-2007; WORK ORDER 80541 - FLOOD CONTROL PROGRAM: WOODHURST AREA between MICHAEL KINDER & SONS, 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 AND CHANGE ORDER FOR #2030-2007; WORK ORDER 80541 - FLOOD CONTROL PROGRAM: WOODHURST AREA by and between MICHAEL KINDER & SONS, 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 flood protection for the Woodhurst and Southwood Neighborhoods by construction of approximately 4,020 feet of floodwall and approximately 1,800 feet of earthen levee along the east side of the St. Mary's River between Hartman Road and Airport Expressway. The improvements also include storm sewers on the protected side of Floodwall/Levee and Flood Fighting staging areas for pumping operations;

involving a total cost of TWO MILLION, NINE HUNDRED SEVENTY-NINE THOUSAND, NINE HUNDRED EIGHTY-EIGHT AND 42/100 DOLLARS - (\$2,979,988.42) – (Original Contract Price \$2,922,422.28; Change Order Net Increase - \$57,546.14).

SECTION 2. Prior Approval has been requested from Common Council on NOVEMBER 13, 2007. 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-09-12-12

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving EXTENSION OF CART MAINTENANCE CONTRACT - BID #2263- MAY 2005 between TOTER 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 EXTENSION OF CART MAINTENANCE CONTRACT - BID #2263- MAY 2005 by and between TOTER 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:

extension of current garbage cart maintenance contract - \$1.80 per cart; involving a total cost of ONE HUNDRED SEVENTY THOUSAND, SIX HUNDRED SEVEN AND NO/100 DOLLARS - (\$170,607.00). 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 Taylor, City Attorney

BILL NO. S-09-12-08

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3119-ANNUAL REQUIREMENT FOR THE PURCHASE OF SMALL (RESIDENTIAL) WATER METERS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ELSTER AMCO for the WATER MAINTENANCE & SERVICE DEPARTMENT.

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

SECTION 1. That ITB #3119-ANNUAL REQUIREMENT FOR THE PURCHASE OF SMALL (RESIDENTIAL) WATER METERS between the City of Fort Wayne, by and through its Department of Purchasing and ELSTER AMCO for the WATER MAINTENANCE & SERVICE DEPARTMENT, respectfully for:

annual requirements for the purchase of Small Water Meters for the Water Maintenance & Service Department;

involving a total cost of THREE HUNDRED FIFTY-THREE THOUSAND, EIGHT HUNDRED SIXTY-FOUR AND 75/100 DOLLARS – (\$353,864.75) all as more particularly set forth in said ITB #3119-ANNUAL REQUIREMENT FOR THE PURCHASE OF SMALL (RESIDENTIAL) WATER METERS 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.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-09-12-02

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of INCREASE RFQ #2917-PURCHASE AND DELIVERY OF FLUORIDE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and LCI, LTD for the THREE RIVERS FILTRATION PLANT.

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

SECTION 1. That the INCREASE of RFQ #2917-PURCHASE AND DELIVERY OF FLUORIDE between the City of Fort Wayne, by and through its Department of Purchasing and LCI, LTD for the THREE RIVERS FILTRATION PLANT, respectfully for:

increasing the annual requirement for the total purchase of Fluoride for the Three Rivers Filtration Plant during 2009;

involving a total cost of ONE HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS - (\$130,000.00) all as more particularly set forth in said INCREASE RFQ #2917-PURCHASE AND DELIVERY OF FLUORIDE 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.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-09-12-10

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT FOR RESOLUTION #2108-2008 - STATE ROAD 1 (MARTIN DITCH TO TONKEL ROAD) - WATER MAIN RELOCATION between SCHEIDLEMAN EXCAVATING, 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 FOR RESOLUTION #2108-2008 - STATE ROAD 1 (MARTIN DITCH TO TONKEL ROAD) - WATER MAIN RELOCATION by and between SCHEIDLEMAN EXCAVATING, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for construction of approximately 2,131 LF of 16-inch water main, 569 LF of 12-inch water main, 357 LF of 8-inch water main, 7 fire hydrants, 6 valves, and all other appurtenances and work as necessary for the water main relocation project. Installation method of pipe to be by open cut and horizontal directional drill:

involving a total cost of THREE HUNDRED SEVENTY-NINE THOUSAND, SEVEN HUNDRED SEVENTY-TWO AND 61/100 DOLLARS - (\$379,772.61). 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 Taylor, City Attorney

BILL NO. S-09-12-09

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of INCREASE OF RFQ #2994 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF CONCRETE IN 2009 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ERIE HAVEN for the WPC MAINTENANCE AND STORMWATER MAINTENANCE DEPARTMENTS.

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

SECTION 1. That INCREASE OF RFQ #2994 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF CONCRETE IN 2009 between the City of Fort Wayne, by and through its Department of Purchasing and ERIE HAVEN for the WPC MAINTENANCE AND STORMWATER MAINTENANCE DEPARTMENTS, respectfully for:

annual requirements for the purchase of concrete during 2009 for the Water Pollution Control Maintenance Department and Stormwater Maintenance Department

involving a total cost of ONE HUNDRED TWENTY-EIGHT THOUSAND AND NO/100 DOLLARS - (\$128,000.00) all as more particularly set forth in said INCREASE OF RFQ #2994 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF CONCRETE IN 2009 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.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

