

COMMITTEE SESSION

ORDINANCES AND RESOLUTIONS UP FOR INTRODUCTION SEPTEMBER 8, 2009

FINANCE COMMITTEE

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

ACTION

S-09-09-05

AN ORDINANCE approving the Purchase of Yearly Maintenance for General Ledger, Purchasing and Payroll Software at a total cost of #113,920 for the and through Tyler Technologies, Inc. by the City of Fort Wayne, Indiana

Total cost of \$113,920

S-09-09-08

AN ORDINANCE approving construction contract #7248-2009, Wells Street Streetscape Improvements between Key Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$792,259.71

S-09-09-10

AN ORDINANCE approving the 2009 annual payment of funds to Allen County for the utilization of computer equipment at a total cost of \$232,050 by the City of For Wayne, Indiana

Total cost of \$232,050

FINANCE COMMITTEE CONTINUED

ACTION

S-09-09-15

AN ORDINANCE approving construction contract #7238-2009, North Anthony Blvd. Streetscape between Hipkind Concrete and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$510,560.75

S-09-09-17

AN ORDINANCE certifying and approving the need for the services of a Consultant to Professional Surveying, Design, Bidding and Construction Services for the Warfield Relief Sewer Project

Total cost of \$169,745

REGULATIONS COMMITTEE

Thomas F. Didier - Chair

John Shoaff - Co-Chair

All Council Members

R-09-09-19

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving an agreement between the City of Fort Wayne, by and through its Board of Public Works and 3 Sheets Development LLC for reimbursement of costs for the construction of a public roadway and path located at the Northeast corner of Fernhill and Wells St.

Total cost of - Fort Wayne pledged \$200,000

District 3 pledged \$50,000 in Cedit funds

Z-09-09-01

AN ORDINANCE amending the City of Fort Wayne Zoning Map

**No. L-07 (Sec. 14 of Wayne Township) 3230 Fairfield Avenue
Nind's Addition - lot's 22 thru 27**

REGULATIONS COMMITTEE CONTINUED

ACTION

Z-09-09-02

**AN ORDINANCE amending the City of Fort Wayne Zoning Map
No. L-07 (Sec. 14 of Wayne Township) 3230 Fairfield Avenue
Ninde's Addition - lot's 49,50 & 51**

Z-09-09-03

**AN ORDINANCE amending the City of Fort Wayne Zoning Map
No. L-07 (Sec. 14 of Wayne Township) 3230 Fairfield Avenue
Ninde's Addition - lot's 71 thru 74**

Z-09-09-04

**AN ORDINANCE amending the City of Fort Wayne Zoning Map
No. K-50 (Sec. 10 of Washington Township)
1414 Northland Blvd. - Crazy Pinz**

PUBLIC WORKS COMMITTEE

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

R-09-09-09

**A RESOLUTION approving the purchase of certain real estate for
the City of Fort Wayne - Covington Road Trail Project**

PUBLIC WORKS COMMITTEE CONTINUED

ACTION

S-09-09-07

AN ORDINANCE approving construction contract #7245-2009, South Anthony Blvd. Rehabilitation between Wayne Asphalt and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$370,422.50

S-09-09-16

AN ORDINANCE approving construction contract #2190-2009, Flood Control Program, Winchester Road Flood Fighting Project between Crosby Excavating, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$190,374.60

CITY UTILITIES COMMITTEE

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

ACTION

R-09-09-06

A RESOLUTION approving the purchase of certain Sanitary Sewer Easement for the City of Fort Wayne, Division of City Utilities

Total cost of \$130,000

CITY UTILITIES COMMITTEE CONTINUED

ACTION

S-09-09-11

AN ORDINANCE approving Construction Contract #2009-W-06, Northwest Feeder Main, Phase 3 between OMD Holding-Lima Road LL and the City of Fort Wayne, Indiana, in connection with The Board of Public Works

Total cost of \$625,000

S-09-09-12

AN ORDINANCE approving construction contract #2200-2009, General Open Cut Sewers 2009, Package 1 between API Construction and the City of Fort Wayne, Indiana, in connection With the Board of Public Works

Total cost of \$267,920

S-09-09-13

AN ORDINANCE approving construction contract #2168-08, State Road 3 (Ludwig to Dupont) Utility Relocation – Res. #2168-2008, W.O. #65846 between Atlas Excavating and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$1,877,950

S-09-09-14

AN ORDINANCE approving construction contract #2236-2009, Smith-Roosevelt Phase 2 Partial Sewer Separation Res. #2236-2009 W.O.75418 between Underground Contractors and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$598,510

S-09-09-18

AN ORDINANCE approving construction contract #2231-2009, Upper Ely Interception Phase One between SJ Louis Corporation and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$4,461,998

BILL NO. S-09-09-05

ORDINANCE NO. S-_____

AN ORDINANCE approving the Purchase of Yearly Maintenance for General Ledger, Purchasing, and Payroll software at a total cost of \$113,920 from and through Tyler Technologies, Inc. by the City of Fort Wayne, Indiana,

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

SECTION 1. That the purchase of Yearly Maintenance for Accounting and Payroll software from Tyler Technologies, Inc for a total of cost to the City of \$113,920 is hereby approved in all respects. That said Yearly Maintenance will be used to ensure the proper operation of the City's general ledger and payroll system.

SECTION 2. That the City is authorized and directed to take all action necessary for the purchase of this service by and through Tyler Technologies, Inc.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

Fort Wayne City Council
c/o City Clerk' Office
1 East Main Street
Fort Wayne, IN 46802

James Haley
Interim CIO
City of Fort Wayne
(260) 427-1461

Subject: Yearly Maintenance for Tyler software

Members of City Council:

This ordinance is to authorize the purchase of yearly maintenance of Tyler Technologies, Inc software for the operation of the City's General Ledger, Purchasing, and Payroll system. This year's cost of maintenance is \$113,920.

Maintenance payments are a typical expense for most software applications. For the expense of the maintenance, the software vendors provide support for problems with the software and provide new releases of the software. Considering the time sensitive nature of payroll and purchasing functions and the ongoing City commitment to this software platform, I recommend continued funding of Tyler maintenance.

If you have any questions, please call me at 427-1461.

James Haley
Interim CIO
City of Fort Wayne

DIGEST SHEET

TITLE OF ORDINANCE Tyler Maintenance Appropriation

DEPARTMENT REQUESTING ORDINANCE Information Systems

SYNOPSIS OF ORDINANCE Appropriates money for the software maintenance of Tyler General Ledger, Purchasing, and Payroll software.

EFFECT OF PASSAGE Software maintenance for Tyler software client is extended for another year. The City receives support for payroll, purchasing, and general ledger functions as needed and access to new releases as they become available.

EFFECT OF NON-PASSAGE The City would be self supporting for the software and not receive new releases. The City would not receive updates to state and federal tax tables needed for accurate payroll calculations. In a worst case scenario, a software problem could occur and the City would not be able to create payroll checks and/or vendor checks. If the City ever wanted to restore vendor maintenance, the City would have to pay all the missed payments plus a penalty.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

\$113,920

ASSIGNED TO COMMITTEE (PRESIDENT) _____

rBILL NO. S-09-09-08

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7248-2009, WELLS STREET STREETScape IMPROVEMENTS between KEY CONCRETE 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 #7248-2009, WELLS STREET STREETScape IMPROVEMENTS by and between KEY CONCRETE 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 all provisions of Improvement Resolution No.: 7248-09;

involving a total cost of SEVEN HUNDRED NINETY-TWO THOUSAND, TWO HUNDRED FIFTY-NINE AND 71/100 DOLLARS - (\$792,259.71).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 25, 2009. 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-09-09-10

ORDINANCE NO. S-_____

AN ORDINANCE approving the 2009 annual payment of funds to Allen County for the utilization of computer equipment at a total cost of \$232,050 by the City of Fort Wayne, Indiana

Whereas, the City of Fort Wayne and Allen County share computer resources; and

Whereas, the City of Fort Wayne and Allen County have historically examined their shared computing expenses and compensated the other for purchases made to their benefit; and

Whereas, the City of Fort Wayne and Allen County have met and determined the appropriate shared cost for 2009.

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

SECTION 1. That the payment of fund to Allen County for the use of computer equipment at a total of cost to the City of \$232,050 is hereby approved in all respects. That said annual payment will be will be used to ensure the proper operation of the City's computing infrastructure.

SECTION 2. That the City is authorized and directed to take all action necessary for the transfer of funds to Allen County.

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

Fort Wayne City Council
c/o City Clerk' Office
1 East Main Street
Fort Wayne, IN 46802

James Haley
Interim CIO
City of Fort Wayne
(260) 427-1461

Subject: Annual Allen County "Computer Rent"

Members of City Council:

This ordinance is to authorize the payment \$232,050 to Allen County for the annual use of computer equipment and services shared by the City and County. This is a decrease from \$259,092 that was paid annually from 1999 to 2008.

The new IT contract fundamentally changed the way computer are priced and provides exact metrics on how much we pay. This make calculating the share cost more precise. Using these metrics, the City and County met and determined the correct shared cost for 2009, and that is the cost shown in this ordinance. In the future, the City and County will meet annually in May to set the cost for the next fiscal year.

If you have any questions, please call me at 427-1461.

James Haley
Interim CIO
City of Fort Wayne

DIGEST SHEET

TITLE OF ORDINANCE Allen County Computer Appropriation

DEPARTMENT REQUESTING ORDINANCE Information Systems

SYNOPSIS OF ORDINANCE Appropriates money for sharing computer resources with Allen County.

EFFECT OF PASSAGE The existing agreements between Allen County and the City of Fort Wayne will continue as they have over the past ten years.

EFFECT OF NON-PASSAGE The City of Fort Wayne and Allen County would renegotiate their arraignment for sharing computer resources.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

\$232,050

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. S-09-09-15

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7238-2009, NORTH ANTHONY BOULEVARD STREETSCAPE between HIPSKIND CONCRETE 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 #7238-2009, NORTH ANTHONY BOULEVARD STREETSCAPE by and between HIPSKIND CONCRETE 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 NORTH ANTHONY BOULEVARD STREETSCAPE;

involving a total cost of FIVE HUNDRED TEN THOUSAND, FIVE HUNDRED SIXTY AND 75/100 DOLLARS - (\$510,560.75).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 11, 2009. 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 PROFESSIONAL SURVEYING, DESIGN, BIDDING AND CONSTRUCTION SERVICES FOR THE WARFIELD RELIEF SEWER PROJECT.

WHEREAS, the Board of Public Works desires to hire American Structurepoint as a consultant for professional surveying, design, bidding and construction services for the Warfield Relief Sewer; 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 American Structurepoint will be ONE HUNDRED SIXTY-NINE THOUSAND, SEVEN HUNDRED FORTY-FIVE AND NO/100 DOLLARS – (\$169,745.00).

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 American Structurepoint to provide professional surveying, design, bidding and construction services for the Warfield Relief Sewer.

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

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A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN AGREEMENT BETWEEN THE CITY OF FORT WAYNE, BY AND THROUGH ITS BOARD OF PUBLIC WORKS AND 3 SHEETS DEVELOPMENT, LLC FOR REIMBURSEMENT OF COSTS FOR THE CONSTRUCTION OF A PUBLIC ROADWAY AND PATH LOCATED AT THE NORTHEASE CORNER OF FERNHILL AND WELL ST.

WHEREAS, the City of Fort Wayne and the Board of Park Commissioners, 3 Sheets Development, LLC and OMD Holdings-Lima Road, LLC entered into a Memorandum of Understanding (attached hereto and made a part hereof), concerning the construction and management of the Ice Complex; and

WHEREAS, the City of Fort Wayne has pledged \$200,000 in CEDIT funds and District 3 has pledged \$50,000 in CEDIT funds to be used by 3 Sheets Development, LLC to construct a public roadway and path within the development located at the Northeast corner of Fernhill and Wells St.

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, hereby ratifies and approves the Agreement between the City of Fort Wayne and 3 Sheets Development, LLC for the reimbursement of costs associated for the construction of a public roadway and path within the development located at the Northeast corner of Fernhill and Wells St.

SECTION 2. That this Resolution shall remain 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

#1183

BILL NO. Z-09-09-01

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L-07 (Sec. 14 of Wayne Township)**

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

SECTION 1. That the area described as follows is hereby designated a CM2 (Limited Retail and Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Lots numbered 22, 23, 24, 25, 26, and 27 in Ninde's Addition to South Wayne, now in the City of Fort Wayne, as recorded in Plat Book 1A, page 2 in the Office of the Recorder of Allen County, Indiana, and the ten foot wide north-south alley extending from Kinnard Avenue to Packard Avenue, containing 1.03 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. L-07 (Sec. 14 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1184

BILL NO. Z-09-09-02

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L-07 (Sec. 14 of Wayne Township)**

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

SECTION 1. That the area described as follows is hereby designated a CM1 (Professional and Personal Services) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Lots numbered 49, 50, and 51 in Ninde's Addition to South Wayne, now in the City of Fort Wayne, as recorded in Plat Book 1A, page 14 in the Office of the Recorder of Allen County, Indiana, and the ten foot wide east-west alley extending from eastern boundary of Lot 49 to the western boundary of Lot 51, containing 0.40 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. L-07 (Sec. 14 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1185

BILL NO. Z-09-09-03

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. L-07 (Sec. 14 of Wayne Township)**

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

SECTION 1. That the area described as follows is hereby designated a CM1 (Professional and Personal Services) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Lots numbered 71, 72, 73, and 74 in Ninde's Addition to South Wayne, now in the City of Fort Wayne, as recorded in Plat Book 2B, page 53 in the Office of the Recorder of Allen County, Indiana, containing 0.34 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. L-07 (Sec. 14 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1186

BILL NO. Z-09-09-04

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-50 (Sec. 10 of 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 CM3 (General Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

A part of the Plat of Northland, Phase 1, lying north of Northland Boulevard, as same is recorded in Plat Cabinet "A", page 174, as Document #89-021166, being a part of Section 10, Township 31 North, Range 12 East, Washington civil Township, Allen County, Indiana, more fully described as follows:

Commencing at the Northwest Corner of the Plat of Northland Phase 1, as recorded in Plat Cabinet "A", page 174 in the Allen County Recorder's Office; thence South 89 degrees 40 minutes 14 seconds East (Platted and Basis of bearings) along the North line of said Northland, Phase 1 Plat and also being the South line of the Plat of Beverly Heights Addition, as recorded in Plat Book 11 at pages 16 and 17, a distance of 478.5 feet to the Northeastern corner of a 3.32 acre parcel as described in Document #201062909, and being the POINT OF BEGINNING, for the tract herein described:

Thence continuing South 89 degrees 40 minutes 14 seconds East, along the North line of said Northland, Phase 1 Plat, a distance of 513.94 feet to the Northeast corner of said Northland, Phase 1, and also being the Northwest corner of the Plat of Millstone Village, Section III, as same is recorded in Plat Cabinet "B" at page 94; thence South 00 degrees 12 minutes 01 seconds West along the East line of said Northland, Phase 1 and the West line of said Millstone Village, Section III, a distance of 825.06 feet to a point on a non-tangent curve to the left and being on the North right-of-way line of Northland Boulevard; thence along said curve to the left, having a radius of 72.00 feet, a chord length of 20.89 feet and bearing South 57 degrees 11 minutes 54 seconds West, an arc length of 20.97 feet to a point on a non-tangent curve to the left; thence along said curve, having a radius of 2992.11 feet, a chord length of 496.90 feet and a chord bearing North 85 degrees 07 minutes 51 seconds West, an arc length of 497.47 feet to the P.C. of said curve and being the Southeast corner of a 3.14 acre parcel as described in Document #970029158; thence North 00 degrees 06 minutes 22 seconds East along the East line of three separate parcels as described in Documents #970029158, #201086666 and #201062909, a total distance of 797.16 feet to the POINT OF BEGINNING, containing 9.552 acres, more or less, together with and subject to any and all platted or recorded easements and rights-of-way of record.

and the symbols of the City of Fort Wayne Zoning Map No. K-50 (Sec. 10 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

BILL NO. R-09-09-09

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
PURCHASE OF CERTAIN REAL ESTATE
FOR THE CITY OF FORT WAYNE**

WHEREAS, the City of Fort Wayne, desires to purchase a specific Right-of-Way, described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the City of Fort Wayne desires to purchase this Right-of-Way for the Covington Road Trail: Phases I-B and II-A; and

WHEREAS, the purchase price for the Right-of-Way will exceed \$100,000.00;

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

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

SECTION 1. The purchase of a specific Right-of-Way for the Covington Road Trail: Phases I-B and II-A, by the City of Fort Wayne,

specifically described in Exhibit "A," is hereby approved and agreed to. The appropriate officials of the City are hereby authorized to execute all documents necessary to accomplish said purchase.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-09-09-07

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #7245-2009, SOUTH ANTHONY BOULEVARD REHABILITATION between WAYNE ASPHALT and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT #7245-2009, SOUTH ANTHONY BOULEVARD REHABILITATION by and between WAYNE ASPHALT and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for all provisions of Resolution NO. 7245-09 - South Anthony Boulevard Rehabilitation;

involving a total cost of THREE HUNDRED SEVENTY THOUSAND, FOUR HUNDRED TWENTY-TWO AND 50/100 DOLLARS - (\$370,422.50).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 25,2009. 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-09-09-16

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2190-2009, FLOOD CONTROL PROGRAM: WINCHESTER ROAD FLOOD FIGHTING PROJECT between CROSBY 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 #2190-2009, FLOOD CONTROL PROGRAM: WINCHESTER ROAD FLOOD FIGHTING PROJECT by and between CROSBY 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
Winchester Road Flood Fighting Project: Resolution No. 2190-2009;

involving a total cost of ONE HUNDRED NINETY THOUSAND, THREE HUNDRED SEVENTY-FOUR AND 60/100 DOLLARS - (\$190,374.60).

SECTION 2. Prior Approval has been requested from Common Council on AUGUST 25, 2009. 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. R-09-09-06

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF CERTAIN SANITARY SEWER EASEMENT FOR THE CITY OF FORT WAYNE, DIVISION OF CITY UTILITIES.

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase a sanitary sewer easement located on Dupont Road, between Diebold Road and The Oaks subdivision, specifically described in the Sanitary Sewer Easement Agreement, Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the City of Fort Wayne, through its Division of Public Works, desires to purchase this sanitary sewer easement as part of the Upper Ely Sewer Interceptor Installation; and

WHEREAS, the purchase price for the sanitary sewer easement is ONE HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS - \$130,000.00.

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

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

SECTION 1. The purchase of a sanitary sewer easement by the City of Fort Wayne through its Division of Public Works, located on Dupont Road, between Diebold Road and The Oaks subdivision, specifically described in the Sanitary Sewer Easement Agreement, Exhibit "A," is hereby approved and agreed to. The appropriate officials of the

City are hereby authorized to execute all documents necessary to accomplish said purchase.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. S-09-09-11

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2009-W-06, NORTHWEST FEEDER MAIN, PHASE 3 between OMD HOLDING-LIMA ROAD LLC 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 #2009-W-06, NORTHWEST FEEDER MAIN, PHASE 3 by and between OMD HOLDING-LIMA ROAD LLC 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 and transfer of drinking water facilities - Northwest Feeder Main Phase III Water Main Extension:

involving a total cost of SIX HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS - (\$625,000.00). 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-09-09-12

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2200-2009, GENERAL OPEN CUT SEWERS 2009, PACKAGE 1 between API 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 #2200-2009, GENERAL OPEN CUT SEWERS 2009, PACKAGE 1 by and between API 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 approx. 347 LF of sewer excavation/replacement, 137 LF of sewer point repairs and 7 manhole replacement by means of open-cut excavation to the City as described by project drawings and specifications. Alternates A&B include an additional of 341 LF of sewer excavation/replacement, 86.8 LF of sewer point repairs and 4 manhole replacements by means of open-cut excavation:

involving a total cost of TWO HUNDRED SIXTY-SEVEN THOUSAND, NINE HUNDRED TWENTY AND NO/100 DOLLARS - (\$267,920.00). 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-09-09-13

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2168-08, STATE ROAD 3 (LUDWIG TO DUPONT) UTILITY RELOCATION - RES. #2168-2008, W.O. #65846 between ATLAS EXCAVATING 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 #2168-08, STATE ROAD 3 (LUDWIG TO DUPONT) UTILITY RELOCATION - RES. #2168-2008, W.O. #65846 by and between ATLAS EXCAVATING 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 approximately 575 LF of 24-inch water main, 2,626 LF of 16-inch water main, 4,337 LF of 12-inch water main, 3,461 LF of 8-inch water main, 184 LF of 6-inch water main, 74 LF of 4-inch water main, 20 fire hydrants, 26 valves, 1,764 services, 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. Also, the construction of approximately 105 LF of 8-inch sanitary main, 59 LF of 6-inch sanitary main, 10 sewer taps, 3 manholes, and all other appurtenances and work as necessary for the sewer main project:

involving a total cost of ONE MILLION, EIGHT HUNDRED SEVENTY-SEVEN THOUSAND, NINE HUNDRED FIFTY AND NO/100 DOLLARS –

(\$1,877,950.00). 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-09-09-14

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT #2236-2009, SMITH-ROOSEVELT PHASE 2 PARTIAL SEWER SEPARATION - RES. #2236-2009, W.O. 75418 between UNDERGROUND CONTRACTORS and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT #2236-2009, SMITH-ROOSEVELT PHASE 2 PARTIAL SEWER SEPARATION - RES. #2236-2009, W.O. 75418 by and between UNDERGROUND CONTRACTORS and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for separation of combined sewers in the neighborhood. The project consists of the installation of approximately 1,000 LF of 12" - 16" sanitary sewers and approximately 3,400 LF of 12" - 30" storm sewers. Also included are curb, sidewalk and street repair:

involving a total cost of FIVE HUNDRED NINETY-EIGHT THOUSAND, FIVE HUNDRED TEN AND NO/100 DOLLARS - (\$598,510.00). 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-09-09-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT - #2231-2009, UPPER ELY RUN INTERCEPTON PHASE ONE between SJ LOUIS CORPORATION 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 - #2231-2009, UPPER ELY RUN INTERCEPTON PHASE ONE by and between SJ LOUIS CORPORATION 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 approximately 9.375 LF of 54-inch diameter fiberglass reinforced pipe (FRP) sanitary sewer and all appurtenances necessary to complete the work. The interceptor includes three jack and bore casing crossing at Interstate I-469, Leo Road and Dupont Road. In addition, one poured-in-place junction box at the connection of the existing St. Joe Interceptor and two poured-in-place flow control structures with automatically controlled sluice gates to control the flow into the St. Joe interceptor and all associated appurtenance. The Upper Ely Interceptor begins at the existing St. Joe Interceptor just south of I-469 and parallels the Martin Ditch to the north ending just west of the dead end of Kirchner Trail in The Oaks Subdivision. This contract includes bid Alternate A utilizing FRP Manholes:

involving a total cost of FOUR MILLION, FOUR HUNDRED SIXTY-ONE THOUSAND, NINE HUNDRED NINETY-EIGHT AND NO/100 DOLLARS - (\$4,461,998.00). 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

