

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
DECEMBER 14, 2010**

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**CITY UTILITIES COMMITTEE**

*Glynn A. Hines - Chair  
Thomas F. Didier - Co-Chair  
All Council Members*

**ACTION**

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**S-10-12-09**

**AN ORDINANCE approving the awarding of extension of RFQ #3083-annual requirements for the purchase of various type valves by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Underground Pipe & Valve for the Water Maintenance and Service Department  
Total cost of \$125,722.50**

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**S-10-12-10**

**AN ORDINANCE approving the awarding of ITB #3284-annual requirements for the purchase of fire hydrants by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Underground Pipe & Valve for the Water Maintenance and Service Department  
Total cost of \$142,993.25**

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**S-10-12-11**

**AN ORDINANCE approving the awarding of extension of its #3119-annual requirements 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 Water Inc. for the Water Maintenance and Service Department  
Total cost of \$353,864.75**



**CITY UTILITIES COMMITTEE CONTINUED**

**ACTION**

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**S-10-12-12**

**AN ORDINANCE approving the awarding of RFQ #3266 – Purchase and delivery of fluoride by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Key Chemical for the Water Filtration Plant  
Total cost of \$104,000**

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**S-10-12-13**

**AN ORDINANCE approving the awarding of ITB #3261 - purchase and delivery of powdered activated carbon by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Norit for the Water Filtration Plant  
Total cost of \$303,000**

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**S-10-12-14**

**AN ORDINANCE approving the awarding of ITB #3262-annual requirements for the purchase of pebble lime by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Huron Lime for the Water Filtration Plant  
Total cost of \$1,350,000**

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**S-10-12-15**

**AN ORDINANCE approving the awarding of ITB #3264 - annual requirements for the purchase of sodium chlorite by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and International Dioxide for the Water Filtration Plant  
Total cost of \$257,500**

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**S-10-12-16**

**AN ORDINANCE approving the awarding of ITB #3263 - annual requirements for the purchase of liquid ferric sulfate by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Kemira Water Solutions for the Water Filtration Plation  
Total cost of \$445,200**

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**CITY UTILITIES COMMITTEE CONTINUED**

**ACTION**

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**S-10-12-17**

**AN ORDINANCE approving the awarding of ITB #3271 – purchase and delivery of liquid ferric chloride by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Kemira Water Solutions for the Water Pollution Control Plant  
Total cost of \$317,532**

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**S-10-12-21**

**AN ORDINANCE approving of ITB #3270 – purchase and delivery of liquid sodium hypochlorite by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Jones Chemical for the Water Pollution Control Plant  
Total cost of \$205,878**

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**FINANCE COMMITTEE**

*Thomas E. Smith - Chair  
Tim Pape - Co-Chair  
All Council Members*

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**S-10-12-22**

**AN ORDINANCE approving the awarding of ITB #3303 – Demolitions/Lot Restorations for properties throughout the City of Fort Wayne, Indiana, y and through it Department of Purchasing and Oxendine, Leininger Excavating Martin’s and Lunz for the Neighborhood Code Enforcement**

**Total cost of \$128,791**

Oxendine (12)	\$84,766
Leininger (2)	\$17,305
Martins (1)	\$ 5,000
Lunz (3)	\$21,720

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**FINANCE COMMITTEE                      CONTINUED**

**ACTION**

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**S-10-12-28**

**AN ORDINANCE approving the awarding of ITB #3285 - annual contract for the purchase of aggregates by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Stone Street, Hanson Aggregates, Old Prairie, CBK Enterprises and Eshelman Sand & Gravel for the Street Department, Water Maintenance and Service Department WPC Maintenance Department and various other Departments within the City of Fort Wayne**

**Total cost of \$561,500**

<b>Stone</b>	<b>\$141,000</b>
<b>Hanson</b>	<b>\$174,500</b>
<b>Old Prairie</b>	<b>\$ 23,000</b>
<b>CBK</b>	<b>\$148,000</b>
<b>Eshelman</b>	<b>\$ 75,000</b>

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**R-10-12-01**

**A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving the proposed budget of the Allen County Fort Wayne Capital Improvement Board of Managers (d.b.a. Grand Wayne Center) for the calendar year 2011**

**To be passed this evening**

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**R-10-12-02**

**RESOLUTION approving the 2011 Budget for the Downtown Fort Wayne Economic Improvement District**  
**Indiana Code requires that the Board of said Downtown Fort Wayne Economic Improvement District submit for approval the 2011 Budget for The District**

## FINANCE COMMITTEE CONTINUED

### ACTION

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#### **R-10-12-05**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3522 West Ferguson Road, Fort Wayne, Indiana 46809 (Craftline Graphics, Inc.)**

**Total cost of \$2,375,000 - they will make Improvements to its leased space and purchase additional technology equipment - 32 full-time jobs will be created as a result of the project**

**To be passed this evening**

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#### **R-10-12-06**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 3522 West Ferguson Road, Fort Wayne, Indiana 6809 (Craftline Graphics, Inc.)**

**Total cost of \$2,375,000 - improvements will be Made to its leased space and purchase Additional technology equipment 32 full-time Jobs will be created as a result of the project**

**Legal Public Hearing 1-11-11 - 5:30 P.M.**

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#### **R-10-12-07**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I. C. 6-1.1-12.1 for property commonly known as 6251 Innovation Boulevard, Fort Wayne, Indiana, 46818 (Wayne Estates, LLC for Midwest Veterinary Supply, Inc.)**

**Total cost of \$3,500,000 - improvements will be made to the property and they will also purchase and install new equipment - 10 full-time jobs will be created and 45 full-time jobs will be retained as a result of the project**

**To be passed this evening**

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**FINANCE COMMITTEE CONTINUED**

**ACTION**

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**R-10-12-08**

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I. C. 6-1.1-12.1 for property commonly known as 6251 Innovation Boulevard, Fort Wayne, Indiana 46818 (Wayne Estates, LLC for Midwest Veterinary Supply, Inc.)**

**Total cost of \$3,500,000 - improvements will be Made to the property and they will also Purchase and install new equipment - 10 full-Time jobs will be created and 45 full-time jobs Will e retained as a result of the project**

**Public Hearing 1-11-11 -- 5:30 P.M.**

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**R-10-12-18**

**A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 6932 Gettyburg Pike, Fort Wayne, Indiana 46804 (L.H. Medical Corporation)**

**Total cost of \$6,527,074 - they will relocate its**

**Operations, improvements will be made and information technology equipment will be purchased - 65 full-time jobs will be created and one part-time and 54 full-time jobs will be created**

**To be passed this evening**

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**R-10-12-19**

**A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 6932 Gettysburg Pike, Fort Wayne, Indiana 46804 (L.H. Medical Corporation)**

**Total cost of \$6,527,396 - improvements will be made and technology equipment will be purchased - 65 full-time jobs will be created and one part-time and 54 full-time jobs will be created**

**Public Hearing - 1-11-11 - 5:30 P.M.**

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**FINANCE COMMITTEE                      CONTINUED**

**ACTION**

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**R-10-12-20**

**A RESOLUTION of the Common Council of the City of fort Wayne, Indiana, approving an Interlocal Cooperation Agreement between the city of Fort Wayne, and the Board of Commissioners of Allen County, Indiana allowing L.H. Medical Corporation to retain its abatements granted by Fort Wayne Common Council**

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**REGULATIONS COMMITTEE**

*Mitch Harper - Chair  
Karen E. Goldner - Co-Chair  
All Council Members*

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**G-10-12-04**

**AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way Applicant owns the property both north and south of the alley and would like to connect their properties for future development**

**Public Hearing 1-11-11 - 5:30 P.M.**

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**G-10-12-25**

**AN ORDINANCE amending Chapter 97: Parks and Recreation, Operation of Vehicles of the Fort Wayne Code of Ordinances, for the purpose of addressing types of vehicles allowed on trails and greenway systems**

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**REGULATIONS COMMITTEE  
CONTINUED**

**ACTION**

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**G-10-12-26**

**AN ORDINANCE amending Chapter 39: Ordinance Violations Bureau  
of the Fort Wayne Code of Ordinances  
Schedule of Penalties - Skateboard**

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**G-10-12-27**

**AN ORDINANCE amending Chapter 130: "Offenses Against  
City Regulations" Section 130.06 Real Estate used for illegal use  
or sale of narcotics, controlled dangerous substances, gambling,  
prostitution of the City of Fort Wayne, Indiana Code of  
Ordinances**

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**G-10-12-29**

**AN ORDINANCE to establish the City Court of Fort Wayne**

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**PUBLIC WORKS COMMITTEE**

*John Shoaff - Chair  
Elizabeth M. Brown - Co-Chair  
All Council Members*

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**S-10-12-03**

**AN ORDINANCE designating the Board of Public Works as  
leasing agent for the City of Fort Wayne, Indiana; approving the  
lease of recycle carts by the City of Fort Wayne Solid Waste  
Department; approving a form of lease; authorizing acceptance  
of a lessor; and approving other actions with respect thereto**

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**PUBLIC WORKS COMMITTEE CONTINUED**

**ACTION**

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**G-10-12-23**

**AN ORDINANCE amending 50.09 Garbage User Fee of the City of Fort Wayne, Indiana, Code of Ordinances  
Amending the Garbage User Fee**

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**G-10-12-24**

**AN ORDINANCE amending 50.05 Location of Refuse Storage Containers and Recycling Containers of the City of Fort Wayne, Indiana, Code of Ordinances**

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**BILL NO. S-10-12-09**

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

**AN ORDINANCE** approving the awarding of EXTENSION OF RFQ #3083-ANNUAL REQUIREMENTS FOR THE PURCHASE OF VARIOUS TYPE VALVES by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and UNDERGROUND PIPE & VALVE for the WATER MAINTENANCE AND SERVICE DEPARTMENT.

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

**SECTION 1.** That EXTENSION OF RFQ #3083-ANNUAL REQUIREMENTS FOR THE PURCHASE OF VARIOUS TYPE VALVES between the City of Fort Wayne, by and through its Department of Purchasing and UNDERGROUND PIPE & VALVE for the WATER MAINTENANCE AND SERVICE DEPARTMENT, respectfully for:

purchase of various type valves (line valves, cut in valves, tapping valves and burrerfly valves) for the Water Maintenance and Service Department for 2011;

involving a total cost of ONE HUNDRED TWENTY-FIVE THOUSAND, SEVEN HUNDRED TWENTY-TWO AND 50/100 DOLLARS - (\$125,722.50) all as more particularly set forth in said EXTENSION OF RFQ #3083-ANNUAL REQUIREMENTS FOR THE PURCHASE OF VARIOUS TYPE VALVES which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-12-10**

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

**AN ORDINANCE** approving the awarding of ITB #3284-ANNUAL REQUIREMENTS FOR THE PURCHASE OF FIRE HYDRANTS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and UNDERGROUND PIPE & VALVE for the WATER MAINTENANCE AND SERVICE DEPARTMENT.

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

**SECTION 1.** That ITB #3284-ANNUAL REQUIREMENTS FOR THE PURCHASE OF FIRE HYDRANTS between the City of Fort Wayne, by and through its Department of Purchasing and UNDERGROUND PIPE & VALVE for the WATER MAINTENANCE AND SERVICE DEPARTMENT, respectfully for:

purchase of Fire Hydrants for the Water Maintenance and Service Department for 2011;

involving a total cost of ONE HUNDRED FORTY-TWO THOUSAND, NINE HUNDRED NINETY-THREE AND 25/100 DOLLARS - (\$142,993.25) all as more particularly set forth in said ITB #3284-ANNUAL REQUIREMENTS FOR THE PURCHASE OF FIRE HYDRANTS which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-12-11**

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

**AN ORDINANCE** approving the awarding of EXTENSION OF ITB #3119-ANNUAL REQUIREMENTS 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 WATER INC. for the WATER MAINTENANCE AND SERVICE DEPARTMENT.

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

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

purchase of Small Water Meters size 5/8" through 1" for the City of Fort Wayne Automatic Meter Reading Program for Water Maintenance and Service for 2011;

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 EXTENSION OF ITB #3119-ANNUAL REQUIREMENTS 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-12-12**

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

**AN ORDINANCE** approving the awarding of RFQ #3266-PURCHASE AND DELIVERY OF FLUORIDE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and KEY CHEMICAL for the WATER FILTRATION PLANT.

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

**SECTION 1.** That RFQ #3266-PURCHASE AND DELIVERY OF FLUORIDE between the City of Fort Wayne, by and through its Department of Purchasing and KEY CHEMICAL for the WATER FILTRATION PLANT, respectfully for:

purchase and delivery of Fluoride for the Three Rivers Filtration Plant during 2011;

involving a total cost of ONE HUNDRED FOUR THOUSAND AND NO/100 DOLLARS - (\$104,000.00) all as more particularly set forth in said RFQ #3266-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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney



**BILL NO. S-10-12-13**

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

**AN ORDINANCE** approving the awarding of ITB #3261-PURCHASE AND DELIVERY OF POWDERED ACTIVATED CARBON by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and NORIT for the WATER FILTRATION PLANT.

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

**SECTION 1.** That ITB #3261-PURCHASE AND DELIVERY OF POWDERED ACTIVATED CARBON between the City of Fort Wayne, by and through its Department of Purchasing and NORIT for the WATER FILTRATION PLANT, respectfully for:

purchase and delivery of powdered activated carbon for the Three Rivers Filtration Plant during 2011;

involving a total cost of THREE HUNDRED THREE THOUSAND AND NO/100 DOLLARS - (\$303,000.00) all as more particularly set forth in said ITB #3261-PURCHASE AND DELIVERY OF POWDERED ACTIVATED CARBON which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-12-14**

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

**AN ORDINANCE** approving the awarding of ITB #3262-ANNUAL REQUIREMENTS FOR THE PURCHASE OF PEBBLE LIME by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and HURON LIME for the WATER FILTRATION PLANT.

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

**SECTION 1.** That ITB #3262-ANNUAL REQUIREMENTS FOR THE PURCHASE OF PEBBLE LIME between the City of Fort Wayne, by and through its Department of Purchasing and HURON LIME for the WATER FILTRATION PLANT, respectfully for:

annual requirements for the purchase of Lime for the Three Rivers Filtration Plant during 2011;

involving a total cost of ONE MILLION, THREE HUNDRED FIFTY AND NO/100 DOLLARS - (\$1,350,000.00) all as more particularly set forth in said ITB #3262-ANNUAL REQUIREMENTS FOR THE PURCHASE OF PEBBLE LIME which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney



**BILL NO. S-10-12-15**

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

**AN ORDINANCE** approving the awarding of ITB #3264 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF SODIUM CHLORITE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and INTERNATIONAL DIOXIDE for the WATER FILTRATION PLANT.

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

**SECTION 1.** That ITB #3264 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF SODIUM CHLORITE between the City of Fort Wayne, by and through its Department of Purchasing and INTERNATIONAL DIOXIDE for the WATER FILTRATION PLANT, respectfully for:

annual requirements for the purchase of sodium chlorite for the Three Rivers Filtration Plant during 2011;

involving a total cost of TWO HUNDRED FIFTY-SEVEN THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS - (\$257,500.00) all as more particularly set forth in said ITB #3264 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF SODIUM CHLORITE which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-12-16**

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

**AN ORDINANCE** approving the awarding of ITB #3263 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LIQUID FERRIC SULFATE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and KEMIRA WATER SOLUTIONS for the WATER FILTRATION PLATION.

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

**SECTION 1.** That ITB #3263 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LIQUID FERRIC SULFATE between the City of Fort Wayne, by and through its Department of Purchasing and KEMIRA WATER SOLUTIONS for the WATER FILTRATION PLATION, respectfully for:

annual requirements for the purchase of liquid ferric sulfate for the Three Rivers Filtration Plant during 2011;

involving a total cost of FOUR HUNDRED FORTY-FIVE THOUSAND, TWO HUNDRED AND NO/100 DOLLARS - (\$445,200.00) all as more particularly set forth in said ITB #3263 - ANNUAL REQUIREMENTS FOR THE PURCHASE OF LIQUID FERRIC SULFATE 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-10-12-17**

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

**AN ORDINANCE** approving the awarding of ITB #3271-PURCHASE AND DELIVERY OF LIQUID FERRIC CHLORIDE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and KEMIRA WATER SOLUTIONS for the WATER POLLUTION CONTROL PLANT.

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

**SECTION 1.** That ITB #3271-PURCHASE AND DELIVERY OF LIQUID FERRIC CHLORIDE between the City of Fort Wayne, by and through its Department of Purchasing and KEMIRA WATER SOLUTIONS for the WATER POLLUTION CONTROL PLANT, respectfully for:

purchase and delivery of Liquid Ferric Chloride for the Water Pollution Control Plant during 2011;

involving a total cost of THREE HUNDRED SEVENTEEN THOUSAND, FIVE HUNDRED THIRTY-TWO AND NO/100 DOLLARS - (\$317,532.00) all as more particularly set forth in said ITB #3271-PURCHASE AND DELIVERY OF LIQUID FERRIC CHLORIDE 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-10-12-21**

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

**AN ORDINANCE** approving the awarding of ITB #3270 - PURCHASE AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and JONES CHEMICAL for the WATER POLLUTION CONTROL PLANT.

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

**SECTION 1.** That ITB #3270 - PURCHASE AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE between the City of Fort Wayne, by and through its Department of Purchasing and JONES CHEMICAL for the WATER POLLUTION CONTROL PLANT, respectfully for:

purchase and delivery of Liquid Sodium Hypochlorite for the Water Pollution Control Plant for 2011;

involving a total cost of TWO HUNDRED FIVE THOUSAND, EIGHT HUNDRED SEVENTY-EIGHT AND NO/100 DOLLARS - (\$205,878.00) all as more particularly set forth in said ITB #3270 - PURCHASE AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**AN ORDINANCE** approving the awarding of ITB #3303-DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and OXENDINE, LEININGER EXCAVATING, MARTIN'S AND LUNZ for the NEIGHBORHOOD CODE ENFORCEMENT.

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

**SECTION 1.** That ITB #3303-DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE between the City of Fort Wayne, by and through its Department of Purchasing and OXENDINE, LEININGER EXCAVATING, MARTIN'S AND LUNZ for the NEIGHBORHOOD CODE ENFORCEMENT, respectfully for:

demolitions and lot restorations for Neighborhood Code Enforcement; involving a total cost of ONE HUNDRED TWENTY-EIGHT THOUSAND, SEVEN HUNDRED NINETY-ONE AND NO/100 DOLLARS - (\$128,791.00) - (OXENDINE (12) - \$84,766.00; LEININGER (2) - \$17,305.00; MARTINS (1) - \$5,000.00; LUNZ (3) - \$21,720.00) all as more particularly set forth in said ITB #3303-DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_

Carol Taylor, City Attorney

**AN ORDINANCE** approving the awarding of ITB #3285 - ANNUAL CONTRACT FOR THE PURCHASE OF AGGREGATES by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and STONE STREET, HANSON AGGREGATES, OLD PRAIRIE, CBK ENTERPRISES AND ESHELMAN SAND & GRAVEL for the STREET DEPARTMENT, WATER MAINTENANCE AND SERVICE DEPARTMENT, WPC MAINTENANCE DEPARTMENT AND VARIOUS OTHER DEPARTMENTS WITHIN THE CITY OF FORT WAYNE.

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

**SECTION 1.** That ITB #3285 - ANNUAL CONTRACT FOR THE PURCHASE OF AGGREGATES between the City of Fort Wayne, by and through its Department of Purchasing and STONE STREET, HANSON AGGREGATES, OLD PRAIRIE, CBK ENTERPRISES AND ESHELMAN SAND & GRAVEL for the STREET DEPARTMENT, WATER MAINTENANCE AND SERVICE DEPARTMENT, WPC MAINTENANCE DEPARTMENT AND VARIOUS OTHER DEPARTMENTS WITHIN THE CITY OF FORT WAYNE, respectfully for:

purchase of aggregates for the Street Department, Water Maintenance and Service Department, WPC Maintenance Department and various other departments within the City of Fort Wayne for 2011;

involvi ng a total cost of FIVE HUNDRED SIXTY-ONE THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS - (\$561,500.00) – (STONE - \$141,000.00; HANSON - \$174,500.00; OLD PRAIRIE - \$23,000.00; CBK - \$148,000.00; ESHELMAN - \$75,000.00) all as more particularly set forth in said ITB #3285 - ANNUAL CONTRACT FOR THE PURCHASE OF AGGREGATES which is on file in the Office of the Department of Purchasing, and is by

reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney



**BILL NO. R-10-12-01**

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

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving the proposed budget of the Allen County Fort Wayne Capital Improvement Board of Managers (d.b.a. Grand Wayne Center) for the calendar year 2011.

WHEREAS, the Allen County Fort Wayne Capital Improvement Board of Managers (d.b.a. Grand Wayne Center) has prepared and submitted to this body the proposed budget for the calendar year 2011, in accordance with the provisions of I.C. 36-10-8-8, which budget 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 budget of the Allen County Fort Wayne Capital Improvement Board of Managers (d.b.a. Grand Wayne Center) for the calendar year 2011, as submitted to this Council on December 14, 2010, be and the same is 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

BILL NO. R-10-12-02

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

**RESOLUTION APPROVING THE 2011 BUDGET FOR  
THE DOWNTOWN FORT WAYNE ECONOMIC  
IMPROVEMENT DISTRICT**

**Whereas**, On October 24, 1995 the Common Council of the City of Fort Wayne ("Council") adopted Resolution R-70-95 (Bill Number R-95-09-21) which established the 'Downtown Fort Wayne Economic Improvement District' ("District"); and

**Whereas**, On January 10, 2006 the Common Council of the City of Fort Wayne ("Council") adopted Resolution R-08-06 (Bill Number R-05-12-22) which renewed the 'Downtown Fort Wayne Economic Improvement District' ("District") for the calendar years 2006 through 2015; and

**Whereas**, Indiana Code 36-7-22-17 requires that the Board of said District submit for approval the 2011 Budget for the District; and

**Whereas**, the mission of the District is to increase the value of downtown and mobilize leadership and resources to achieve the community's vision for downtown;

**Whereas**, the attached budget (Exhibit A) directs the funding for the District to maintain and promote its mission.

**NOW THEREFORE BE IT RESOLVED BY THE  
COMMON COUNCIL OF THE CITY OF FORT**

**WAYNE, INDIANA:**

**Section 1.** The 2011 Downtown Improvement District budget is approved as described in Exhibit A attached.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol 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 3522 West Ferguson Road, Fort Wayne, Indiana 46809 (Craftline Graphics, Inc.)**

**WHEREAS**, Petitioner has duly filed its petition dated December 1, 2010 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 32 full-time, permanent jobs for a total new, annual payroll of \$960,000, with the average new annual job salary being \$30,000 and retain 137 full-time and 250 part-time, permanent jobs for a total current annual payroll of \$5,349,063, with the average current, full-time annual job salary being \$31,289; and

**WHEREAS**, the total estimated project cost is \$2,375,000; 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 and information technology equipment.

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

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

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.6434/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6434/\$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 \$2.6434/\$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 \$2.6434/\$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 \$2.6434/\$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 \$2.6434/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.6434/\$100.
- (h) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.6434/\$100 (the change would be negligible).
- (i) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.6434/\$100 (the change would be negligible).

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

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

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

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

**SECTION 10.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which

the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 3522 West  
Ferguson Road, Fort Wayne, Indiana 46809  
(Craftline Graphics, Inc.)**

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

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

**WHEREAS**, said project will create 32 full-time, permanent jobs for a total additional annual payroll of \$960,000, with the average new annual job salary being \$30,000 and retain 137 full-time and 250 part-time, permanent jobs for a current annual payroll of \$5,349,063, with the average current full-time annual job salary being \$31,289; and

**WHEREAS**, the total estimated project cost is \$2,375,000; 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 and information technology equipment.

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

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

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.6434/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.6434/\$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 \$2.6434/\$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 \$2.6434/\$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 \$2.6434/\$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 \$2.6434/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.6434/\$100.

- (h) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.6434/\$100 (the change would be negligible).
- (i) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.6434/\$100 (the change would be negligible).

**SECTION 6.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and that the deduction from the assessed value of the new manufacturing and information technology equipment shall be for a period of 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 and information technology equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

**SECTION 9.** For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

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

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

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

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

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

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Member of Council

APPROVED AS TO FORM A LEGALITY



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 6251 Innovation Boulevard, Fort Wayne, Indiana 46818 (Wayne Estates, LLC for Midwest Veterinary Supply, Inc.)**

**WHEREAS**, Petitioner has duly filed its petition dated October 4, 2010 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 ten full-time, permanent jobs for a total new, annual payroll of \$324,000, with the average new annual job salary being \$32,400 and retain 45 full-time, permanent jobs for a total current annual payroll of \$1,459,281, with the average current, annual job salary being \$32,428; and

**WHEREAS**, the total estimated project cost is \$3,500,000; and

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

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

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

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

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

**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 logistical distribution 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 logistical distribution 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 logistical distribution 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 \$2.8601/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.8601/\$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 \$2.8601/\$100 (the change would be negligible).
- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.8601/\$100.

- (e) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8601/\$100 (the change would be negligible).
- (f) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8601/\$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 logistical distribution 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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6251 Innovation Boulevard, Fort Wayne, Indiana 46818 (Wayne Estates, LLC for Midwest Veterinary Supply, Inc.)**

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

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

**WHEREAS**, said project will create ten full-time, permanent jobs for a total additional annual payroll of \$324,000, with the average new annual job salary being \$32,400 and retain 45 full-time, permanent jobs for a current annual payroll of \$1,459,281, with the average current annual job salary being \$32,428; and

**WHEREAS**, the total estimated project cost is \$3,500,000; 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 logistical distribution 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 logistical distribution 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 logistical distribution 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 \$2.8601/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.8601/\$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 \$2.8601/\$100 (the change would be negligible).
- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$2.8601/\$100.
- (e) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.8601/\$100 (the change would be negligible).
- (f) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.8601/\$100 (the change would be negligible).

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

BILL NO. R-10-12-18

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 6932 Gettysburg Pike, Fort Wayne, Indiana 46804 (L.H. Medical Corporation)**

**WHEREAS**, Petitioner has duly filed its petition dated November 22, 2010 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" for property commonly known as 6932 Gettysburg Pike as if a part herein;**

and

**WHEREAS**, Common Council has confirmed an "Economic Revitalization Area" (Confirming Resolutions R-50-06 and R-41-07 amended) for Petitioner for property commonly known as 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive; and

**WHEREAS**, Petitioner has installed new manufacturing equipment at 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive for which deductions from assessed valuation have been applied; and

**WHEREAS**, Petitioner requests that the new manufacturing equipment for which deductions from assessed valuation have been applied be relocated to 6932 Gettysburg Pike and the equipment shall be eligible for the remaining deductions from assessed valuation, under I.C. 6-1.1-12.1-4.6; and

**WHEREAS**, said project will create 65 full-time, permanent jobs for a total new, annual payroll of \$4,176,000, with the average new annual job salary being \$64,246 and retain 54 full-time and one part-time, permanent jobs for a total current annual payroll of \$3,534,000, with the average current, annual job salary being \$65,074; and

**WHEREAS**, the total estimated project cost is \$6,527,396; and

**WHEREAS**, the total estimated assessed value of the equipment to be relocated is \$4,712,568; and

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

**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, I.C. 6-1.1-12.1-4.6 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an "Economic Revitalization Area" for public hearing.
- (d) Common Council shall notify each taxing unit within the original and the new economic revitalization area in accordance with I.C. 6-1.1-12.1-4.6

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

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

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

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$1.8233/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$1.8233/\$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 \$1.8233/\$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 \$1.8233/\$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 \$1.8233/\$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 \$1.8233/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$1.8233/\$100.
- (h) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$1.8233/\$100 (the change would be negligible).
- (i) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$1.8233/\$100 (the change would be negligible).

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

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

**SECTION 8.** That, pursuant to I.C. 6-1.1-12.1-4.6, the new manufacturing equipment located at 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive for which deductions from assessed value have already been applied be relocated to 6932 Gettysburg Pike. The new manufacturing equipment shall be eligible for the remaining

deductions from assessed valuation to which it was previously entitled.

**SECTION 9.** 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 10.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6932 Gettysburg Pike, Fort Wayne, Indiana 46804 (L.H. Medical Corporation)**

**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” for property commonly known as 6932 Gettysburg Pike as if a part herein; and**

**WHEREAS**, Common Council has confirmed an “Economic Revitalization Area” (Confirming Resolutions R-50-06 and R-41-07 amended) for Petitioner for property commonly known as 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive; and

**WHEREAS**, Petitioner has installed new manufacturing equipment at 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive for which deductions from assessed valuation have been applied; and

**WHEREAS**, Petitioner requests that the new manufacturing equipment for which deductions from assessed valuation have been applied be relocated to 6932 Gettysburg Pike and the equipment shall be eligible for the remaining deductions from assessed valuation, under I.C. 6-1.1-12.1-4.6; and

**WHEREAS**, said project will create 65 full-time, permanent jobs for a total additional annual payroll of \$4,176,000, with the average new annual job salary being \$64,246 and retain 54 full-time and one part-time, permanent jobs for a current annual payroll of \$3,534,000, with the average current annual job salary being \$65,074; and

**WHEREAS**, the total estimated project cost is \$6,527,396; and

**WHEREAS**, the total estimated assessed value of the equipment to be relocated is \$4,712,568; 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, I.C. 6-1.1-12.1-4.6, and I.C. 5-3-1 and a public hearing has been conducted on said Resolution; and

**WHEREAS**, each taxing unit within the original and the new economic revitalization areas have been notified of the proposed resolution; and

**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 \$1.8233/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$1.8233/\$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 \$1.8233/\$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 \$1.8233/\$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 \$1.8233/\$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 \$1.8233/\$100 (the change would be negligible).

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

**SECTION 7.** That, pursuant to I.C. 61.1-12.1-4.6, the new manufacturing equipment located at 4420 and 4708 Clubview Drive and 4325 Engle Ridge Drive for which deductions from assessed valuation have already been applied be relocated to 6932 Gettysburg Pike. The new manufacturing equipment shall remain eligible for the remaining deductions from assessed valuation to which it was previously entitled.

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

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

**SECTION 10.** For real property, a deduction application must contain a

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

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

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

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

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

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF FORT WAYNE AND THE BOARD OF COMMISSIONERS OF ALLEN COUNTY, INDIANA ALLOWING L.H. MEDICAL CORPORATION TO RETAIN ITS ABATEMENTS GRANTED BY FORT WAYNE COMMON COUNCIL**

**WHEREAS**, Indiana Code 35-1-7-1 provides that for the City of Fort Wayne to enter into an Interlocal Cooperation Agreement, the fiscal body of the municipality shall approve the Agreement either before or after it has been executed by the respective parties; and

**WHEREAS**, the City, acting through its Common Council has the authority under I.C. 6-1.1-12.1, et.seq., to designate certain areas within the City as economic revitalization area and thereafter to grant deductions for the placement of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, new information technology equipment and other items as set forth in the above reference statute; and

**WHEREAS**, the County Council, as the fiscal body for the County has the authority to designate certain areas with the County as economic revitalization areas and thereafter to grant deduction for the placement of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, new information technology equipment and other items as set forth in the above referenced statute; and

**WHEREAS**, L.H. Medical Corporation, is a corporation currently doing business in the City of Fort Wayne and has been granted an economic revitalization area designation for property tax abatement by the Fort Wayne Common Council and now desires to move its operations from the City of Fort Wayne to a location in the unincorporated area of Allen County; and

**WHEREAS**, both the City and the County deem it beneficial to allow said move with the retention of property tax abatements; and

**WHEREAS**, the City of Fort Wayne and the Board of Commissioners of the County of Allen, Indiana, have entered into an Interlocal Cooperation Agreement (attached hereto and made a part hereof as "Exhibit 1") to allow L.H. Medical Corporation to continue and retain its property tax abatements and designation as an economic revitalization area by the Fort Wayne Common Council, upon moving its operations to the unincorporated area of Allen County.

**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 Interlocal Cooperation Agreement between Allen County, by and through the Board of Commissioners of the County of Allen, Indiana and the City of Fort Wayne, under which the county cedes its jurisdiction to the City and specifically to its Common Council to: (a) declare the real estate described in Exhibit " A " to the attached Interlocal Cooperation Agreement as an " Economic Revitalization Area " and (b) grant future property tax abatements in said Economic Revitalization Area for the benefit of L.H. Medical Corporation.

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

#1226

**BILL NO. G-10-12-04**

**Deed Book: 31  
Page No: 170-171**

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

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

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

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

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

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

THE INTENT OF THIS ALLEY VACATION REAL ESTATE DESCRIPTION IS TO DEFINE THE EXTENTS OF THE FIRST ALLEY NORTH OF MAUMEE AVENUE BETWEEN THE UNIVERSITY STREET AND COMPARET STREET AS REPRESENTED ON THE PLAT OF COMPARETS ADDITION TO THE CITY OF FORT WAYNE AS RECORDED IN DEED BOOK 31, PAGES 170 AND 171 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 56 WITHIN COMPARETS ADDITION TO THE CITY OF FORT WAYNE AS RECORDED IN DEED BOOK 31, PAGES 170 AND 171 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, SAID POINT OF BEGINNING BEING THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF A PLATTED ALLEY AND THE WEST RIGHT OF WAY LINE OF UNIVERSITY STREET BEING LOCATED NORTH 03 DEGREES 41 MINUTES 18 SECONDS EAST 194.82 FEET FROM THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF MAUMEE AVENUE AND THE WEST RIGHT OF WAY LINE OF UNIVERSITY STREET AS REPRESENTED ON SAID PLAT OF COMPARETS ADDITION ; THENCE SOUTH 87 DEGREES 35 MINUTES 28 SECONDS WEST ON AND ALONG THE SOUTH RIGHT OF WAY LINE OF THE FIRST ALLEY NORTH OF MAUMEE AVENUE BETWEEN UNIVERSITY STREET AND COMPARET STREET, SAID SOUTH RIGHT OF WAY LINE ALSO BEING THE NORTH LINE OF LOTS NUMBERED 56 THROUGH 60 INCLUSIVE WITHIN COMPARETS ADDITION, A DISTANCE OF 278.50 FEET TO THE NORTHWEST CORNER OF LOT NUMBER 60 WITHIN COMPARETS ADDITION, SAID NORTHWEST CORNER BEING THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF THE AFOREMENTIONED ALLEY AND THE EAST RIGHT OF WAY LINE OF COMPARET STREET; THENCE NORTH 03 DEGREES 05 MINUTES 09 SECONDS WEST ON AND ALONG THE NORTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF COMPARET STREET A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF LOT NUMBER 50 WITHIN COMPARETS ADDITION, SAID SOUTHEAST CORNER BEING THE POINT OF INTERSECTION OF NORTH RIGHT OF WAY LINE OF THE FIRST ALLEY NORTH OF MAUMEE AVENUE BETWEEN UNIVERSITY STREET AND COMPARET STREET AND THE EAST RIGHT OF WAY LINE OF COMPARET STREET; THENCE NORTH 87 DEGREES 35 MINUTES 28 SECONDS EAST ON AND ALONG THE NORTH RIGHT OF WAY LINE OF THE FIRST ALLEY NORTH OF MAUMEE AVENUE BETWEEN UNIVERSITY STREET AND COMPARET

STREET, SAID NORTH RIGHT OF WAY LINE ALSO BEING THE SOUTH LINE OF LOTS NUMBERED 50 THROUGH 55 INCLUSIVE WITHIN COMPARETS ADDITION, A DISTANCE OF 280.16 FEET TO THE SOUTHEAST CORNER OF LOT NUMBER 55 WITHIN COMPARETS ADDITION, SAID SOUTHEAST CORNER BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED ALLEY AND THE WEST RIGHT OF WAY LINE OF UNIVERSITY STREET;  
THENCE SOUTH 03 DEGREES 41 MINUTES 18 SECONDS WEST ON AND ALONG THE SOUTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF UNIVERSITY STREET A DISTANCE OF 14.08 FEET TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES (3,910.65 SQUARE FEET) OF LAND, MORE OR LESS.

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

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

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COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Taylor, City Attorney

Bill No. G-10-12-25

GENERAL ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 97:  
PARKS AND RECREATION, OPERATION OF  
VEHICLES OF THE FORT WAYNE CODE OF  
ORDINANCES, FOR THE PURPOSE OF ADDRESSING  
TYPES OF VEHICLES ALLOWED ON TRAILS AND  
GREENWAY SYSTEMS.**

**WHEREAS**, the number of the trails and pathway systems has greatly increased over the past several years as well as the increase in various types of small, motorized vehicles that may exceed safe speed limits and carry multiple passengers; and,

**WHEREAS**, the City Council recognizes that citizens' desire to use the trail systems throughout the city for differing types of activities oftentimes creates a potential for problems between pedestrian traffic and motorized vehicular traffic; and,

**WHEREAS**, the trail and greenway system within the city of Fort Wayne was established as a way for citizens to engage in leisure and health-promoting activity such as walking, running, bicycling and skating; and,

**WHEREAS**, it is the intent of the City Council to protect the safety and well-being of its citizens who use the trail system,

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

**SECTION 1. The following section shall be added to Chapter 97 *Parks and Recreation* under the subtitle *Operation of Motor Vehicles*:**

**§ 97.74 DEFINITIONS**

(A) Electric Personal Assistive Mobility Device—a single passenger, self-balancing mode of transport with a maximum speed of 15 mph

(B) Fort Wayne Trails Network—the designated active, non-motorized transportation system in Fort Wayne, Indiana consisting of trails, paths, multi-use trails, shared-use paths, greenways and rails-to-trails maintained by the Board of Park Commissioners and the Board of Public Works including such parts of the Network that are located within the limits of the city of Fort Wayne but maintained by other jurisdictions.

**SECTION 2. Section 97.75 *Types of Vehicles Allowed* of Chapter 97 shall be deleted in its entirety and replaced with the following:**

**§ 97.75 TYPES OF VEHICLES ALLOWED**

(A) The Department shall be empowered to designate the kind of vehicles or other modes of transportation and the load thereon that may not be used or hauled in all or any of the parks, parkways, boulevards, paths, streets and roadways including the Fort Wayne Trails Network; and, it shall be unlawful for any person to use any vehicle or other mode of transportation contrary to the provisions of any such departmental order.

(B) The following vehicles or other modes of transportation are allowed on all designated paths, trails and greenways, including the Fort Wayne Trails Network: Public Safety vehicles, service or maintenance vehicles including public utilities, wheelchairs (standard or motorized), Electric Personal Assistive Mobility Devices, non-motorized bicycles and skating devices.

(C) The following vehicles or other modes of transportation are prohibited on the Fort Wayne Trails Network: any standard motorized vehicle powered by gas, diesel, electric or hybrid motors including, but not limited to, golf carts enclosed or open, motorized bikes, motorcycles, mopeds, scooters, ATV's, go carts, swamp buggy, snowmobiles or any other off-road or air-cushioned type vehicle, unless authorized by the Chief of Police or his/her designee.

**SECTION 3. Section 97.76 *Riding or Driving Regulations* of Chapter 97 shall be deleted in its entirety and replaced with the following:**

**§ 97.76 RIDING OR DRIVING REGULATIONS.**

(A) No person shall operate any vehicle or other mode of transportation within any park except on the avenues and roads at a speed not to exceed 25 mph or as otherwise posted.

(B) Vehicle parking is permitted only in the designated areas and not on the grass. Parking of vehicles in any park area between the hours of 11:00 p.m. and 6:00 a.m. shall be prohibited except for activities sponsored and notice issued by the Department.

(C) Bicycles must be walked through a playground area.

(D) Horses and horseback riders are not permitted in parks, on pathways, boulevards, paths, streets or roadways within the Fort Wayne parks system including the Fort Wayne Trails Network.

**SECTION 4. Section 97.78 *Operation of Non-Registered Motor Vehicles of Chapter 97 shall be deleted in its entirety and replaced with the following:***

**§ 97.78 OPERATION OF NON-REGISTERED MOTOR VEHICLES.**

No person shall operate a go cart, all terrain vehicle, swamp buggy, race car or any other type of motor vehicle which is not registered with the Department of Motor Vehicles of the state in any park, playground, boulevard, strip or any other park grounds including the Fort Wayne Trails Network, except in areas which may be designated by the Department for such usage. Motorized bicycles, as defined in I.C. 9-21-11-12 *et seq.*, are permissible while operated on roadways designated for motor vehicle traffic.

**SECTION 5. The following section shall be added to Chapter 97 *Parks and Recreation* under the subtitle *Operation of Motor Vehicles*:**

**§ 97.79 ENFORCING AUTHORITY.**

The authority for enforcing this section will be the Fort Wayne Police Department and the Ordinance Violations Bureau.

**SECTION 6. Section 97.99 *Penalty for Violations of Chapter 97 shall be amended to add a subsection 97.99(E) as follows:***

**§ 97.99 PENALTY FOR VIOLATIONS.**

(E) Any violation of any of the provisions of § 97.75 - § 97.78 by any person shall be punishable by a fine of not more than \$2,500 and/or impoundment of vehicle in violation.

**SECTION 7.** That this Ordinance shall be in full force and effect from and after its passage, any and all necessary publications, and approval by the Mayor.

\_\_\_\_\_  
Martin A. Bender, Council Member

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Joseph G. Bonahoom, City Council Attorney

Bill No. G-10-12-26

GENERAL ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 39:  
ORDINANCE VIOLATIONS BUREAU OF THE FORT  
WAYNE CODE OF ORDINANCES**

**WHEREAS**, the Ordinance Violations Bureau is the department which accepts payment of tickets for certain offenses; and,

Whereas, when new penalties are created which penalties shall be subject to collection by the Ordinance Violations Bureau, the schedule of penalties as noted in Chapter 39 needs to be amended to reference those changes and the new penalties,

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

**SECTION 1.** Section 39.03 Schedule of Penalties, shall be amended to add the following:

Nature of Violation: Operation of Vehicles  
Code Section: § 97.99  
Civil Penalty: not more than \$2,500

**SECTION 2.** Under §39.03, reference made to Skateboarding Where Prohibited, §97.99 and \$50 shall be deleted in its entirety and replaced with the following:

Nature of Violation: Skateboarding where Prohibited  
Code Section: §97.47  
Civil Penalty: not less than \$50 and not more than \$200 per violation

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

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

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Joseph G. Bonahoom, City Council Attorney

GENERAL ORDINANCE NO. G-

AN ORDINANCE AMENDING CHAPTER 130:  
"OFFENSES AGAINST CITY REGULATIONS"  
SECTION 130.06 REAL ESTATE USED FOR ILLEGAL  
USE OR SALE OF NARCOTICS, CONTROLLED  
DANGEROUS SUBSTANCES, GAMBLING,  
PROSTITUTION OF THE CITY OF FORT WAYNE,  
INDIANA CODE OF ORDINANCES.

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

SECTION 1. Chapter 130: §103.06 of the City of Fort Wayne, Indiana Code of Ordinances be amended as follows:

**130.06 REAL ESTATE USED FOR ILLEGAL USE OR SALE OF NARCOTICS,  
CONTROLLED DANGEROUS SUBSTANCES, GAMBLING, PROSTITUTION.**

(A) *Purpose.* The Common Council of the city finds it to be in the best interests of the residents of the city and the general public to provide for the regulation of conduct it deems to be offensive, to prevent vice, disorder and immorality; and to promote public peace, health and safety, and to this end, the Common Council enacts this section.

(B) *Permitting the use of real estate for illegal drug activity, gambling or prostitution.* No owner of real estate located in the city shall knowingly allow that real estate to be used as a site for any use or sale of illegal narcotics or controlled dangerous substances, gambling or prostitution For the purposes of this section, an owner of real estate is defined as any person who, alone, jointly or severally with others, shall have legal or equitable title or other possessory interest to any dwelling or dwelling unit, including a

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purchaser under a Contract for Conditional Sale of Real Estate commonly known as a Land Contract, and a lessee, sub-lessee, renter, or tenant who is allowing another person to occupy the dwelling or dwelling unit. The definition of owner shall not include a mortgage lien holder or other lien holder holding an interest which secures a debt or judgment.

Deleted: ¶

(C) *Discrimination forbidden.* Nothing in this section shall be construed to encourage or authorize the discrimination by lessors against any persons based upon race, creed, religion, sex, age or national origin.

(D) *Reports, investigations and notices by the Police Department.*

(1) A complaint or report of suspected illegal activities constituting the use or sale of narcotics or controlled substances, or gambling, prostitution, or conduct constituting a nuisance pursuant to state law, by tenants, occupants and/or their visitors, guests or invitees as observed by the lessor, third persons such as other tenants of the property, or persons residing or working in the vicinity of the property, or city officials, and/or representatives of agencies and/or departments of the city shall be submitted to the office of Narcotics and Vice Division of the Police Department of the city and each such report or complaint shall be individually logged in that office.

(2) Upon receipt of any report or complaint of such suspected illegal activities on real estate premises, the Police Department may conduct a further investigation.

(3) Upon completion of investigation by the Police Department revealing that such suspected illegal activity is taking place at a particular premises, the Police Department may send a Notice of Investigation to the owner of the real estate and a copy to the

tenant/occupant whose premises is the subject of the investigation, by certified mail, return receipt requested, informing the owner that the investigation revealed suspected illegal activity and the fact that there is an on-going investigation. The Notice of Investigation shall inform the owner that it is a violation of the Fort Wayne Code for the owner of real estate to knowingly permit its real estate to be used as a site for any use or sale of illicit narcotics or controlled dangerous substances, gambling or prostitution. The Notice of Investigation shall also state that the City may initiate enforcement proceedings against the owner of the real estate if the suspected illegal activity does not cease. Finally, the Notice of Investigation shall advise that it is a defense to a proceeding to enforce this section if the owner of real estate institutes and completes eviction proceedings in compliance with part (F) of this section against the person suspected of engaging in the criminal conduct giving rise to the Notice of Investigation. The Notice of Investigation shall further include a request of the property owner to whom the letter is addressed to specify in writing information concerning the existence of any Contract for Conditional Sale of Real Estate, commonly known as a Land Contract, setting forth the name, address, and phone number of the purchaser under the Land Contract, and further specifying any other person who has a legal, equitable, or possessory interest in the dwelling or dwelling unit and the pertinent information, including, but not limited to, name, address, and phone number with respect to those individuals.

(E) *Effect of Giving Notice of Investigation.*

(1) If a proceeding to enforce a violation of this section is commenced against an owner of real estate at least 30 days after the land owner's receipt of a Notice of

Investigation and within 60 days of the owner's receipt of a Notice of Investigation, the landowner's receipt of the Notice of Investigation creates a presumption that the landowner has knowledge that the tenant/occupant suspected to have been engaged in illegal activity has in fact engaged in such activity. Therefore, under such circumstances, the owner of real estate will bear the burden of proving by a preponderance of the evidence that the owner lacked knowledge of the suspected illegal behavior.

(F) *Eviction proceedings as a defense under certain circumstances.*

(1) An enforcement action against a person charged with a violation of this section after having received a Notice of Investigation shall be subject to an affirmative defense as set forth in subsection (2) below:

(2) The affirmative defense shall be established if the person charged with a violation:

Deleted:

(a) Has, within 30 days of receipt of a Notice of Investigation instituted eviction proceedings against the tenant whose suspected criminal activities would otherwise give rise to potential liability under this section;

(b) Has completed the eviction proceedings within 30 days of commencement of the proceedings.

(3) An affirmative defense shall also be available to a person who has instituted an eviction proceeding within 30 days of receipt of a Notice of Investigation and has

completed the eviction proceeding within 60 days of the commencement of the proceedings, so long as the person initiating the eviction proceedings does not, by requesting a continuance, failing to appear at a hearing, or otherwise delaying the proceedings cause the eviction proceedings to remain open for a period of more than 30 days.

(G) *Filing of criminal charges.* Charging an owner of real estate with a violation of this section shall be an adjunct to, and not substitution for, any criminal charges filed as a result of investigation by the Police Department against occupants or tenants of that owner's real estate premises for use or sale of illicit drugs or controlled dangerous substances, gambling, prostitution or conduct constituting a nuisance pursuant to state law.

(H) *Limited indemnification of owners of real estate.* The city shall provide a limited indemnification to an owner of real estate located in the city, subject to the following conditions:

(1) That the owner of real estate shall have received a Notice of Investigation from the Police Department as described in part (D).

(2) That the owner of real estate has instituted eviction proceedings within 30 days of receipt of a Notice of Investigation a tenant whose suspected criminal activities would otherwise give rise to potential liability under this section.

(3) That the owner of real estate shall give no less than 30 days notice to the City Attorney, by certified mail, return-receipt requested, of the trial date for any eviction

proceedings and a list containing the names and addresses of all witnesses the owner of real estate intends to call at the hearing.

(4) That the City Attorney, upon receipt of the notice and list of witnesses, shall have the right to provide the owner of real estate with the names and addresses of additional witnesses including but not limited to witnesses from the Police Department whose presence shall be required at the hearing on the eviction proceedings.

(5) All witnesses listed by either the owner of real estate and/or the City Attorney's office shall be subpoenaed by the owner of real estate in proper and legal fashion, and be allowed to testify.

(6) The tenant involved as a defendant in the eviction proceedings shall prevail on the merits, not by reason of procedural irregularities but by sole reason that a court finds after trial that the illegal activity alleged in the notice the owner of real estate had received pursuant to division (B) of this section, did not, in fact, take place.

(7) The tenant institutes legal proceedings against the owner of real estate in the form of a counter claim or separate action and obtains a judgment for damages against the owner of real estate by reason of the tenant having prevailed on the merits in accordance with subdivision (6) above.

(8) The owner of real estate completes whatever steps he/she chooses to undertake to seek review of the judgment by Motion to Correct Errors and/or appeal.

(9) The limited indemnification by the city shall be restricted solely to those damages assessed by judgment against the owner of real estate as set out aforesaid but

shall not, in any event, include any attorney's fees incurred by the owner of real estate in connection with the enforcement of any of the terms of this section; but will include either the reasonable attorney's fees incurred in the defense of legal proceedings brought by a tenant pursuant to subdivision (7) above regardless of the outcome of the proceedings, or the provision of the legal services by the city, at the city's option.

(l) *Appropriation and use of collected fines.* Any fine collected as a result of a violation of this section shall be appropriated to the Police Department budget for the purpose of enforcing this section.

(Ord. G-48-92, passed 11-10-92, Am. Ord. G-22-99, 10-26-99)

**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

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Carol Taylor, City Attorney

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**AN ORDINANCE TO ESTABLISH THE CITY COURT OF FORT WAYNE**

**WHEREAS,** Indiana Code §33-35-1-1 authorizes cities to establish a city court by ordinance in 2010;

**WHEREAS,** the judge for a city court established in 2010 shall be elected in November, 2011 and every four (4) years thereafter;

**WHEREAS,** following adoption of this ordinance and election of a judge, the City Court of Fort Wayne shall come into existence beginning on January 1, 2012.

**WHEREAS,** the City of Fort Wayne finds that it is reasonable and necessary to provide for the quick resolution of misdemeanors, infractions and alleged violations of Fort Wayne City ordinances by establishing a city court.

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

**SECTION 1.** That the following new Section be added to the City of Fort Wayne, Indiana, Code of Ordinances, CHAPTER 33: DEPARTMENTS, BOARDS AND OTHER ADMINISTRATIVE BODIES  
Section

*City Court of Fort Wayne*

**§ 33.010 CITY COURT OF FORT WAYNE.**

There is hereby established the City Court of Fort Wayne.

**§ 33.011 JURISDICTION.**

The City Court of Fort Wayne shall have all jurisdiction as provided in Indiana Code 33-35-2 et seq. as from time to time amended and supplemented.

**§ 33.012 COURT SESSIONS.**

The City Court of Fort Wayne shall hold its regular sessions in such room or rooms as shall from time to time be designated by City Council

**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



**BILL NO. S-10-12-03**

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

**AN ORDINANCE designating the Board of Public Works as leasing agent for the City of Fort Wayne, Indiana; approving the lease of recycle carts by the City of Fort Wayne Solid Waste Department; approving a form of lease; authorizing acceptance of a lessor; and approving other actions with respect thereto.**

**WHEREAS**, the City of Fort Wayne, Board of Public Works needs to acquire recycle carts for use by the City of Fort Wayne Solid Waste Department for continued effective operations; and

**WHEREAS**, the Board of Public Works has, in the past, generally coordinated such leasing and has let bids therefore; and

**WHEREAS**, various bids have been let for the acquisition of the recycle carts and Common Council approval of the acquisition of said recycle carts is pending; and

**WHEREAS**, this Common Council now deems it in the public interest to lease said recycle carts rather than purchase said items; and

**WHEREAS**, sufficient net revenues are available from the City's Solid Waste fund to make lease rental payments on a timely basis as required for the leasing of the recycle carts; and

**WHEREAS**, a form of lease with option to purchase has been reviewed and is deemed appropriate for the lease of said recycle carts by the City; and

**WHEREAS**, notices have been published requesting proposals from lessors to acquire the recycle carts and to lease same to the City, pursuant to the terms and conditions contained in the form of lease; and

**WHEREAS**, the proposed lease provides for fair and reasonable rental and other equitable terms and conditions and, further, that the execution of said lease will permit the use and acquisition of said recycle carts within the present financial capabilities of the City and therefore same is in the public interest.

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

**SECTION 1.** This Common Council finds that the Board of Public Works should be and hereby is designated as the leasing agent for the City of Fort Wayne, Indiana, for the transaction herein contemplated.

**SECTION 2.** The Common Council of the City of Fort Wayne hereby authorizes the City to lease, as lessee, those recycle carts listed on the attached Exhibit "A", made a part hereof. It is understood that the exact lessor purchase costs for such recycle carts listed on the Exhibit "A" shall be determined in accordance with bidding procedures of this City and accordingly subject to approval by this Common Council; however, the gross cost for such purchases excluding financing costs shall not exceed Two Million Seven Hundred Thousand and no/100 Dollars (\$2,700,000).

**SECTION 3.** The form of the lease, with option to purchase for said lease is attached hereto as a part hereof, as Exhibit "A". The City shall use this form of lease, with option to purchase, for the transactions herein contemplated and said form of lease is hereby approved and ratified. This lease form may be modified only to the extent that such

modifications are not material in form or consideration. Authority is hereby given for the Board of Public Works to enter into the lease upon the determination by the Corporation Counsel.

**SECTION 4.** The Board of Public Works of the City of Fort Wayne is hereby empowered and authorized to award lessor rights to the most responsive and responsible bidder.

**SECTION 5.** The Mayor and the Board of Public Works are empowered and authorized to execute, on behalf of the City, leases and other documents as contemplated herein with lessor so selected.

**SECTION 6.** This ordinance shall be in full force and in effect from and after its passage and approval by the Mayor.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. G-10-12-23**

**GENERAL ORDINANCE NO. G-**

**AN ORDINANCE AMENDING §50.09 GARBAGE USER  
FEE OF THE CITY OF FORT WAYNE, INDIANA, CODE OF  
ORDINANCES.**

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

Section 1: That §50.09 GARBAGE USER FEE. and of the City of Fort Wayne, Indiana,  
is hereby amended as follows:

**§50.09 GARBAGE USER FEE.**

**ADD:**

- (F) The monthly single family residential household fee shall be lowered to \$11.00 per month effective January 1, 2011.
- (G) The monthly two-to-four unit household fee shall be lowered \$22.00 per month effective January 1, 2011.

**CHANGE: (F) TO (H)**

- (H) Residents that choose to rent additional 96-gallon or 48-gallon carts will be assessed a \$2.00 per month fee per cart on their city utility bill.

Section 2: That this Ordinance shall be in full force and effect January 1, 2011, and upon all necessary approval by the Mayor and/or notice of publication.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. G-10-12-24**

**GENERAL ORDINANCE NO. G-**

**AN ORDINANCE AMENDING §50.05 LOCATION OF  
REFUSE STORAGE CONTAINERS AND RECYCLING  
CONTAINERS. OF THE CITY OF FORT WAYNE,  
INDIANA, CODE OF ORDINANCES.**

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

Section 1: That §50.05 LOCATION OF REFUSE STORAGE CONTAINERS AND RECYCLING CONTAINERS. of the City of Fort Wayne, Indiana, is hereby amended as follows:

**§50.05 LOCATION OF REFUSE STORAGE CONTAINERS AND RECYCLING CONTAINERS.**

Between days of regular collection for solid waste items, the owner, tenant, lessee occupant, or agent of any property, commercial or residential, shall provide a place to store refuse (including bulky waste), recyclables, and/or yard waste (excluding leaves placed at the curb as part of the city's fall leaf collection) at the side of the house at least ten (10) feet from the front corner of the house. Only the City carts will be allowed to be stored unsheltered and in view from the street at the side of the house. Any additional containers, bags, bulk items, etc. will need to be stored in a place that is sheltered from street view. Compost piles shall be located on the property so as not to be visible from the street whenever possible. Refuse storage containers, compost piles, bulky waste, yard waste, and/or recyclables must not impede pedestrian or vehicular traffic along sidewalk, alleys, streets and/or other public rights-of-way. If refuse collection is in the alley, refuse storage containers may stay at the alley as long as they do not impede pedestrian or vehicular traffic along the ally and/or public right-of-way.

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 and/or notice of publication.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney