

ORDINANCES AND RESOLUTIONS UP FOR
INTRODUCTION
JANUARY 26, 2010

CITY UTILITIES COMMITTEE

Thomas F. Didier - Chair

Glynn A. Hines - Co-Chair

All Council Members

S-10-01-23

**AN ORDINANCE AWARDED LARGE (COMMERCIAL)
WATER METERS FOR 2010 ELSTER AMCO AND EJ
PRESCOTT FOR THE WATER MAINTENANCE AND SERVICE
DEPARTMENT**

TOTAL COST OF \$261, 515

FINANCE COMMITTEE

TIM PAPE - CHAIR

TOM SMITH - CO-CHAIR

ALL COUNCIL MEMBERS

S-10-01-24

**AN ORDINANCE APPROVING THE AWARDED OF EXTENSION
OF ITB #3025 - ANNUAL CONTRACT FOR CLEAN UPS BY THE CITY OF
FORT WAYNE, INDIANA, BY AND THROUGH ITS DEPARTMENT OF
PURCHASING AND PAIGE & WITHERSPOON GROUP FOR**

**NEIGHBORHOOD CODE ENFORCEMENT
TOTAL COST OF \$150,000**

S-10-01-25

**AN ORDINANCE APPROVING THE AWARDDING OF EXTENSION
OF CONTRACTS FOR ITB# 2978 - MOWING OF RESIDENTIAL &
COMMERCIAL PROPERTIES BY THE CITY OF FORT WAYNE, INDIANA,
BY AND THROUGH ITS DEPARTMENT OF PURCHASING AND D&P
LAWNCARE, DIAMOND GREEN, GALAXIE LAW SERV
ICES, HOMESCAPES, PROLAWN/ACCENT LAWN MANICURE
NEIGHBORHOOD CODE
TOTAL COST \$462,064**

S-10-01-26

**AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR
A CONSULTANT - ENGINEERING RESOURCES, INC. - TO PROVIDE
PROFESSIONAL DESIGN AND BIDDING SERVICES FOR THE
EWING ST. SEWER SEPARATION PROJECT, RES. #2305-2010.
TOTAL COST \$140,000**

S-10-01-27

**AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR
A CONSULTANT, ADS LLC, TO PROVIDE PROFESSIONAL TEMPORARY
RAINFALL AND FLOW MONITORING AT STRATEGIC LOCATIONS
THROUGHOUT THE CITY'S INTERCEPTOR SYSTEM FOR THE
HYDRAULIC MODEL RECALIBRATION PROJECT,
TOTAL COST OF \$375,940**

R-10-01-19

**A RESOLUTION APPROVING A WAIVER OF NONCOMPLIANCE
FOR A LATE-FILED APPLICATION FOR THE ECONOMIC
REVITALIZATION AREA DEDUCTION ON REAL PROPERTY
IMPROVEMENTS (FORM 322/RE) FOR 4204 FERGUSON ROAD, LLC
(ALCONEX SPECIALTY PRODUCTS, INC.)
ALCONEX SPECIALTY PRODUCTS
4204 FERGUSON ROAD**

PUBLIC HEARING 2-9-10 – 5:30 P.M.

R-10-01-20

**A RESOLUTION APPROVING A WAIVER OF NONCOMPLIANCE
FOR A LATE-FILED APPLICATION FOR THE ECONOMIC
REVITALIZATION AREA DEDUCTION ON REAL PROPERTY
IMPROVEMENTS (FORM 322/RE) FOR FORT WAYNE NEWSPAPERS
600 W. MAIN STREET**

PUBLIC HEARING 2-9-10 – 5:30 P.M.

R-10-01-21

**“ECONOMIC REVITALIZATION AREA” PROPERTY COMMONLY KNOWN AS
A DECLARATORY RESOLUTION DESIGNATING AN “ECONOMIC
7617 FREEDOM WAY (WAGNER-MEINERT, INC.)
TOTAL COST OF \$353,850**

TO BE PASSED THIS EVENING

R-10-01-22

**A CONFIRMING RESOLUTION DESIGNATING AN
“ECONOMIC REVITALIZATION AREA” PROPERTY
COMMONLY KNOWN AS 7617 FREEDOM WAY (WAGNER-
MEINERT, INC.)
TOTAL COST OF \$353,850**

PUBLIC HEARING 2-9-10 – 5:30 P.M.

REGULATIONS COMMITTEE

Karen E. Goldner – Chair

Mitch Harper – Co-Chair

All Council Members

G-10-01-15

**AN ORDINANCE AMENDING THE THOROUGHFARE PLAN
BY VACATING PUBLIC RIGHT-OF-WAY
VACATE ALLEY ON THE EAST SIDE OF UNIVERSITY
STREET AND NORTH OF MAUMEE AVENUE**

PUBLIC HEARING – 2-9-10 – 5:30 P.M.

Z-10-01-16

**AN ORDINANCE AMENDING THE CITY OF FORT WAYNE
ZONING MAP NO. O-26
1528 CALIFORNIA ROAD / INDIANA-PURDUE UNIVERSITY**

Z-10-01-17

**AN ORDINANCE AMENDING THE CITY OF FORT WAYNE
ZONING MAP NO. Y-38
9015 ST. JOSEPH CENTER ROAD**

Z-10-01-18

**AN ORDINANCE AMENDING THE CITY OF FORT WAYNE
ZONING MAP NO. O-66
1600 E. WASHINGTON BLVD.**

#1194

BILL NO. G-10-01-15

Deed Book: 35

Page No: 163

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:

A portion of a 14 foot wide alley contained and defined by within the plat of College Addition to the City of Fort Wayne as recorded in Deed Book 35, page 163 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot number 15 in College Addition; thence South 76 degrees 02 minutes 46 seconds East on and along the Northerly line of Lots numbered 15 and 14 within College Addition to a distance of 130.04 feet to the Northeast corner of Lot Number 14 within College Addition; thence North 13 degrees 57 minutes 14 seconds East along the Northerly extension of the East line of Lot number 14 within College Addition a distance of 14.00 feet to a point on the Southwesterly line of Lot number 17 within College Addition; thence North 76 degrees 02 minutes 46 seconds West on and along the Southerly lines of Lots numbered 17 and 16 a distance of 132.57 feet to the East right-of-way line of University Street; thence South 03 degrees 41 minutes 18 seconds West on and along the East right-of-way line of University Street a distance of 14.23 feet to the Point of Beginning, containing 0.042 acres (1,838.30 square feet) 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.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1195

BILL NO. Z-10-01-16

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-26 (Sec. 25 of Washington Township)**

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

SECTION 1. That the area described as follows is hereby designated a CM1

(Professional Offices and Personal Services) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Part of the Northeast Quarter of Section 25, Township 31 North, Range 12 East of the Second Principal Meridian, Washington Township in Allen County, Indiana, more particularly described as follows:

Commencing at a Survey Marker Nail with a "Bertsch" identification ring at the Northwest corner of said Northeast Quarter; thence North 87 degrees 36 minutes 47 seconds East (GPS Grid bearing and basis of bearings to follow), a distance of 1577.13 feet along the North line of said Northeast Quarter and within the right-of-way of California Road; thence South 03 degrees 26 minutes 45 seconds East, a distance of 40.00 feet to a point on the South right-of-way line of said California Road, said point also being the POINT OF BEGINNING of the herein described tract; thence North 87 degrees 36 minutes 47 seconds East, a distance of 305.55 feet along said right-of-way line to the West line of a 2.136 acre easement; thence South 02 degrees 23 minutes 13 seconds East, a distance of 184.25 feet along said West line; thence South 06 degrees 12 minutes 16 seconds West, a distance of 134.91 feet along said West line; thence South 37 degrees 42 minutes 15 seconds West, a distance of 64.90 feet to a non-tangent curve, concave to the South, having a radius of 50.50 feet; thence Westerly along said curve a distance of 61.40 feet, having a central angle of 69 degrees 39 minutes 29 seconds, and a chord of 57.68 feet bearing North 87 degrees 07 minutes 30 seconds West to a tangent curve, concave to the North, having a radius of 19.50 feet; thence Westerly along said curve a distance of 15.98 feet, having a central angle of 46 degrees 57 minutes 01 seconds, and a chord of 15.54 feet bearing South 81 degrees 31 minutes 16 seconds West to a tangent curve, concave to the South, having a radius of 425.00 feet; thence Westerly along said curve a distance of 166.34 feet, having a central angle of 22 degrees 25 minutes 29 seconds, and a chord of 165.28 feet bearing North 86 degrees 12 minutes 58 seconds West; thence North 03 degrees 26 minutes 45 seconds West, a distance of 345.95 feet to the Point of Beginning. Containing 2.390 Acres, more or less. Subject to easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. O-26 (Sec. 25 of Washington Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its

passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1196

BILL NO. Z-10-01-17

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. Y-38 (Sec. 14 of St. Joseph Township)**

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

SECTION 1. That the area described as follows is hereby designated a CM1

(Professional Offices and Personal Services) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

A parcel of land located in the Southeast One-quarter of Section 14, Township 31 North, Range 13 East, Allen County, Indiana and more particularly described as follows: Commencing at the Southeast corner of said Southeast One-quarter of Section 14, Township 31 North, Range 13 East as marked by a five-eighths inch steel pin and found per Allen County Surveyor's Office reference ties; thence North 89 degrees 35 minutes 19 seconds West (bearing based on recorded survey in Document 95008044) along the south line of said Southeast One-quarter a distance of 641.89 feet; thence North 00 degrees 24 minutes 41 seconds East, a distance of 60.0 feet to a five-eighths inch steel pin with D&A Firm No. 0026 identification cap, said point on the north right-of-way line of St. Joseph Center Road per Document # 95-13883, said point being the point of beginning.

Beginning at the above described point; thence North 89 degrees 35 minutes 19 seconds West along said right-of-way line, a distance of 442.48 feet to a five-eighths inch steel pin set with D&A Firm No. 0026 identification cap; thence North 00 degrees 24 minutes 41 seconds East, a distance of 100.00 feet to a five-eighths inch steel pin set with D&A Firm No. 0026 identification cap; thence South 90 degrees 00 minutes East, a distance of 52.85 feet to a five-eighths inch steel pin set with D&A Firm No. 0026 identification cap; thence North 78 degrees 47 minutes 41 seconds East, a distance of 107.21 feet to a five-eighths inch steel pin set with D&A Firm No. 0026 identification cap; thence North 67 degrees 47 minutes 11 seconds East, a distance of 119.21 feet to a five-eighths inch steel pin set with D&A Firm No. 0026 identification cap; thence North 41 degrees 35 minutes 50 seconds East, a distance of 117.22 feet to a five-eighths inch steel pin set with D&A Firm No. 0026 identification cap; thence South 81 degrees 50 minutes 18 seconds East, a distance of 114.11 feet to a five-eighths inch steel pin set with D&A Firm No. 0026 identification cap; thence South 08 degrees 07 minutes 42 seconds West, a distance of 116.71 feet to a five-eighths inch steel pin set with D&A Firm No. 0026 identification cap; thence South 00 degrees 24 minutes 41 seconds West, a distance of 125.00 feet to the POINT OF BEGINNING, containing 1.710 acres, more or less and subject to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. Y-38 (Sec.14 of St. Joseph Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its

passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

#1197

BILL NO. Z-10-01-18

ZONING MAP ORDINANCE NO. Z-_____ _

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-06 (Sec. 1 of Wayne Township)**

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

SECTION 1. That the area described as follows is hereby designated an R3 (Multiple Family Residential) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

LOTS NUMBERED 43 THROUGH 46 INCLUSIVE IN THE COLLEGE ADDITION TO THE CITY OF FORT WAYNE AS RECORDED IN DEED BOOK 35, PAGE 163 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

and the symbols of the City of Fort Wayne Zoning Map No. O-06 (Sec. 1 of Wayne Township), as established by Section 157.082 of Title XV of the Code of the City of Fort Wayne, Indiana is hereby changed accordingly.

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Taylor, City Attorney

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Real Property Improvements (Form 322/RE) for 4204 Ferguson Road, LLC (Alconex Specialty Products, Inc.)

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 4204 Ferguson Road for Alconex Specialty Products, Inc. (Amended Confirming Resolution R-03-06) 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; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by Alconex Specialty Products, Inc. and approved under Amended Confirming Resolution R-03-06 was for \$400,000 in real property improvements and \$4,350,000 in personal property improvements; and

WHEREAS, construction of a 9,600 square foot addition by 4204 Ferguson Road, LLC for Alconex Specialty Products, Inc. was completed in 2007; and

WHEREAS, representatives of Alconex Specialty Products, Inc. have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322 /RE) was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Alconex Specialty Products, Inc. which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

WHEREAS, the Common Council finds that Alconex Specialty Products, Inc. has fulfilled its pledge to make improvements to its facility; and

WHEREAS, Alconex Specialty Products, Inc. has retained its workforce and created new jobs as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Alconex Specialty Products, Inc. has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Alconex Specialty Products, Inc. receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for 2008 payable 2009 tax year and paying Alconex Specialty Products, Inc. an immediate refund of the excess taxes paid in those years would not create a strain on the City of Fort Wayne's fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will refund the lost ERA deduction amount; in accordance with the following schedule:

Tax Year	Real Property Tax Refund Amount
2008 pay 2009	\$21,183.66
TOTAL	\$21,183.66

The foregoing numbers represent deductions from assessed valuation of real property, not credits against tax liability. The total deduction amounts set forth in the preceding table represent deductions 4204 Ferguson Road, LLC (Alconex Specialty Products, Inc.) lost in 2008 payable 2009 that will be refunded to 4204 Ferguson Road, LLC (Alconex Specialty Products, Inc.). The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, to confirm that the refund has been approved by Fort Wayne Common Council. Any refund given to 4204 Ferguson Road, LLC (Alconex Specialty Products, Inc.) for the 2008 payable 2009 deduction amounts shall forego interest normally due. This resolution shall have no effect on the assessed value, tax abatement deductions, or taxes payable with respect to Alconex Specialty Product's personal property.

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A RESOLUTION approving a Waiver of Noncompliance for a Late-Filed Application for the Economic Revitalization Area Deduction on Real Property Improvements (Form 322/RE) for Fort Wayne Newspapers

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution property at 600 and 800-824 West Main Street for Fort Wayne Newspapers (Confirming Resolution R-50-05) 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; and

WHEREAS, the original Statement of Benefits and economic revitalization area designation application submitted by Fort Wayne Newspapers and approved under Confirming Resolution R-50-05 was for \$13,000,000 in real property improvements and \$22,860,000 in personal property improvements; and

WHEREAS, construction of a 46,000 square foot press building adjacent to its existing facility was completed in 2007; and

WHEREAS, representatives of Fort Wayne Newspapers have informed the City of Fort Wayne that their application for deduction from assessed valuation of structures in economic revitalization areas (322 /RE) was not filed in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Fort Wayne Newspapers which has made diligent efforts in good faith to make all required Indiana tax abatement filings on a timely basis; and

WHEREAS, the Common Council finds that Fort Wayne Newspapers has fulfilled its pledge to make improvements to its facility; and

WHEREAS, Fort Wayne Newspapers has retained its workforce as reported on the approved statement of benefits forms; and

WHEREAS, the Common Council acknowledges that Fort Wayne Newspapers has requested a waiver of non compliance which the Common Council has the power and authority to approve, under I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3; and

WHEREAS, the Common Council intends that Fort Wayne Newspapers receive the tax abatement benefits to which they would have been entitled had no non compliance event occurred, so long as the waiver of non compliance and the granting of those benefits does not prejudice the City of Fort Wayne; and

WHEREAS, the Common Council has concluded that granting of the ERA deduction for the 2007 payable 2008 tax year and paying Fort Wayne Newspapers an immediate refund of the excess taxes paid in those years would not create a strain on the City of Fort Wayne's fiscal budget; and

WHEREAS, I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 permit tax abatement non compliance events such as the untimely filing of deduction application paperwork to be waived; and

WHEREAS, the noncompliance event has been corrected and a public hearing of the Common Council has been held on the waiver.

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

SECTION 1. That, Common Council hereby waives all clerical and technical errors and nonconformities that are waivable under State and local law, including without limitation those errors and nonconformities described in I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

SECTION 2. As authorized by I.C. 6-1.1-12.1-9.5(d), the Common Council will refund the lost ERA deduction amount; in accordance with the following schedule:

Tax Year	Real Property Tax Refund Amount
2007 pay 2008	\$166,404.25
TOTAL	\$166,404.25

The foregoing numbers represent deductions from assessed valuation of real property, not credits against tax liability. The total deduction amounts set forth in the preceding table represent deductions Fort Wayne Newspapers lost in 2007 payable 2008 that will be refunded to Fort Wayne Newspapers. The Allen County Auditor shall be supplied with a copy of this Resolution, upon passage, to confirm that the refund has been approved by Fort Wayne Common Council. Any refund given to Fort Wayne Newspapers for the 2007 payable 2008 deduction amount shall forego interest normally due. This resolution shall have no effect on the assessed value, tax abatement deductions, or taxes payable with respect to Fort Wayne Newspapers' personal property.

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-10-01-21

DECLARATORY RESOLUTION NO. R-_____

A DECLARATORY RESOLUTION designating an “Economic Revitalization A Area” under I.C. 6-1.1-12.1 for property commonly known as 7617 Freedom Way, Fort Wayne, Indiana 46818 (Wagner-Meinert, Inc.)

WHEREAS, Petitioner has duly filed its petition dated January 14, 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 \$500,000, with the average new annual job salary being \$50,000 and retain 108 full-time, permanent jobs for a total current annual payroll of \$6,687,900, with the average current, annual job salary being \$61,925; and

WHEREAS, the total estimated project cost is \$353,850; 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 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 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 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 \$2.7298/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$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 \$2.7298/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.7298/\$100.
- (e) 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 \$2.7298/\$100 (the change would be negligible).
- (f) 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 \$2.7298/\$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 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.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-10-01-22

CONFIRMING RESOLUTION NO. R- _____

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 7617 Freedom Way, Fort Wayne, Indiana 46818 (Wagner-Meinert, 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 \$500,000, with the average new annual job salary being \$50,000 and retain 108 full-time, permanent jobs for a current annual payroll of \$6,687,900, with the average current annual job salary being \$61,925; and

WHEREAS, the total estimated project cost is \$353,850; 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 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 information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new information technology equipment.

SECTION 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 \$2.7298/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$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 \$2.7298/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.7298/\$100.

- (e) 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 \$2.7298/\$100 (the change would be negligible).
- (f) 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 \$2.7298/\$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 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 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 information technology equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

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

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

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Taylor, City Attorney

BILL NO. S-10-01-23

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB# 3148 - LARGE (COMMERCIAL) WATER METERS FOR 2010 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ELSTER AMCO AND EJ PRESCOTT 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# 3148 - LARGE (COMMERCIAL) WATER METERS FOR 2010 between the City of Fort Wayne, by and through its Department of Purchasing and ELSTER AMCO AND EJ PRESCOTT for the WATER MAINTENANCE AND SERVICE DEPARTMENT, respectfully for:

purchase of Large Water Meters (COMMERCIAL) for the Water Maintenance and Service Department for year 2010

involving a total cost of TWO HUNDRED SIXTY-ONE THOUSAND, FIVE HUNDRED FIFTEEN AND NO/100 DOLLARS - (\$261,515.00) - (ELSTER - \$153,900.00; EJP - \$107,615.00) all as more particularly set forth in said ITB# 3148 - LARGE (COMMERCIAL) WATER METERS FOR 2010 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-10-01-24

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of EXTENSION OF ITB #3025 - ANNUAL CONTRACT FOR CLEAN UPS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and PAIGE & WITHERSPOON GROUP for NEIGHBORHOOD CODE ENFORCEMENT.

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

SECTION 1. That EXTENSION OF ITB #3025 - ANNUAL CONTRACT FOR CLEAN UPS between the City of Fort Wayne, by and through its Department of Purchasing and PAIGE & WITHERSPOON GROUP for NEIGHBORHOOD CODE ENFORCEMENT, respectfully for:

clean ups for Neighborhood Code Enforcement during 2010;
involving a total cost of ONE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS - (\$150,000.00) all as more particularly set forth in said EXTENSION OF ITB #3025 - ANNUAL CONTRACT FOR CLEAN UPS 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-10-01-25

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of EXTENSION OF CONTRACTS FOR ITB# 2978 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and D&P LAWNCARE, DIAMOND GREEN, GALAXIE LAW SERVICES, HOMESCAPES, PROLAWN/ACCENT LAWN MANICURE, THRIFY MOW AND YARD JOBS for the PROPERTY MANAGMENT DEPARTMENT, PARKS AND RECREATION DEPARTMENT; FLOOD CONTROL DEPARTMENT, AND REDEVELOPMENT DEPARTMENT.

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

SECTION 1. That EXTENSION OF CONTRACTS FOR ITB# 2978 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES FOR PROPERTY MANAGMENT, NEIGHBORHOOD CODE, FLOOD CONTROL AND REDEVELOPMENT between the City of Fort Wayne, by and through its Department of Purchasing and D&P LAWNCARE, DIAMOND GREEN, GALAXIE LAW SERVICES, HOMESCAPES, PROLAWN/ACCENT LAWN MANICURE, THRIFY MOW AND YARD JOBS for the PROPERTY MANAGMENT DEPARTMENT, PARKS AND RECREATION DEPARTMENT; FLOOD CONTROL DEPARTMENT, AND REDEVELOPMENT DEPARTMENT, respectfully for:

contract extensions for 2010 for mowing and weed control;

involving a total cost of FOUR HUNDRED SIXTY-TWO THOUSAND, SIXTY-FOUR AND NO/100 DOLLARS - (\$462,064.00) - (D&P - \$75,000.00; DIAMOND - \$58,060.00; GALAXIE - \$125,000.00; HOMESCAPES - \$13,800.00; PROLAWN -

\$82,142.00; THRIFTY - \$38,280.00; YARD - \$69,782.00 all as more particularly set forth in said EXTENSION OF CONTRACTS FOR ITB# 2978 - MOWING OF RESIDENTIAL & COMMERCIAL PROPERTIES FOR PROPERTY MANAGMENT, NEIGHBORHOOD CODE, FLOOD CONTROL AND REDEVELOPMENT, 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

AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR A CONSULTANT - ENGINEERING RESOURCES, INC. - TO PROVIDE PROFESSIONAL design and bidding services for the Ewing St. Sewer Separation Project, Res. #2305-2010.

WHEREAS, the Board of Public Works desires to hire a consultant for professional design and bidding services for the Ewing St. Sewer Separation Project, Res. #2305-2010; and

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

WHEREAS, it is anticipated that the amount to be paid to ENGINEERING RESOURCES, INC. will be ONE HUNDRED FORTY THOUSAND AND NO/100 DOLLARS - (\$140,000.00).

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

SECTION 1. The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of ENGINEERING RESOURCES, INC. to provide professional design and bidding services for the Ewing St. Sewer Separation Project, Res. #2305-2010.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

AN ORDINANCE CERTIFYING AND APPROVING THE NEED FOR A CONSULTANT, ADS LLC, TO PROVIDE PROFESSIONAL TEMPORARY RAINFALL AND FLOW MONITORING AT STRATEGIC LOCATIONS THROUGHOUT THE CITY'S INTERCEPTOR SYSTEM FOR THE HYDRAULIC MODEL RECALIBRATION PROJECT, RESOLUTION #2258-2010.

WHEREAS, the Board of Public Works desires to hire a consultant for professional TEMPORARY RAINFALL AND FLOW MONITORING AT STRATEGIC LOCATIONS THROUGHOUT THE CITY'S INTERCEPTOR SYSTEM FOR THE HYDRAULIC MODEL RECALIBRATION PROJECT, RESOLUTION #2258-2010; and

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

WHEREAS, it is anticipated that the amount to be paid to ADS LLC will be THREE HUNDRED SEVENTY-FIVE THOUSAND, NINE HUNDRED FORTY AND NO/100 DOLLARS - (\$375,940.00).

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

SECTION 1. The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of ADS LLC to provide professional TEMPORARY RAINFALL AND FLOW MONITORING AT STRATEGIC LOCATIONS THROUGHOUT THE CITY'S INTERCEPTOR SYSTEM FOR THE HYDRAULIC MODEL RECALIBRATION PROJECT, RESOLUTION #2258-2010.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

