

ORDINANCES AND RESOLUTION
UP FOR INTRODUCTION
OCTOBER 26, 2010

CITY UTILITIES COMMITTEE

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

ACTION

S-10-10-11

AN ORDINANCE approving the awarding of State QPA #9167 – purchase of 800 MHZ Radios by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Motorola for the Water Maintenance and Service Department

Total cost of \$165,409.25

S-10-10-17

AN ORDINANCE approving Filter #15 Underdrain Pilot – Res. #2060-2008, W.O. #65799 between Mason Engineering & Construction, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$179,700

S-10-10-18

AN ORDINANCE approving construction contract – Warfield Relief Sewer – Res. #2237-2010, W.O. #75419 between API Construction and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$1,460,780

S-10-10-19

AN ORDINANCE approving construction contract – Medium Diameter Cipp 2010-Res #2366-2010, W.O. #75549 between Insituform Technologies, USA INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$1,687,718.

CITY UTILITIES COMMITTEE CONTINUED

ACTION

S-10-10-20

AN ORDINANCE approving construction contract – WPCP Additional Raw Wastewater Pumps & Secondary Clarifier Hydraulic Improvements, Res. #2202-2009, W.O. #75397 between Robert E. Crosby and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$2,104,000

S-10-10-22

AN ORDINANCE approving Professional Services Agreement for Aeration Blower Improvements, Phase II Res. #2222-2009, W.O. #75407 between CH2M Hill, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Total cost of \$127,894

FINANCE COMMITTEE

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

S-10-10-12

AN ORDINANCE approving the awarding of ITB #3256- Demolitions/Lot Restorations for properties throughout the City of Fort Wayne, Indiana by and through its Department of Purchasing and Oxendine, Leininger, Martin's and Lunz for the Neighborhood Code Enforcement

Total cost of \$134,574

ACTION

S-10-10-13

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, supplementing and amending Special Ordinance No. S-47-01 adopted on June 19, 2001, for the purpose of authorizing the execution and delivery of amended Parking Garage Revenue Bonds of the City and regarding certain related matters

S-10-10-15

AN ORDINANCE certifying and approving the need for the services of a consultant to provide professional construction inspection services 2010 to the Water Resources Department for the City of Fort Wayne through its Board of Public Works anticipated the annual cost will be in excess of \$100,000

S-10-10-16

AN ORDINANCE certifying and approving the need for the services of a consultant to provide professional construction inspection services – 2011 to the Water Resources Department for the City of Fort Wayne through its Board of Public Works anticipated the annual cost will be in excess of \$100,000

FINANCE COMMITTEE CONTINUED

ACTION

R-10-10-14

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana providing preliminary approval of the issuance of bonds for the purpose of providing financing of certain Economic Development Facilities to be owned and operated by Concordia Theological Seminary, Inc.

Concordia Theological Seminary, Inc. is seeking approval for Economic Development Bond in the amount of \$5,000,000 to construct a 48,000 square foot addition

R-10-10-09

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8520 Bluffton Road, Fort Wayne, Indiana 46809 (Fixon Investments, LLC for Diversified Marketing Solutions, Inc.

Total cost of \$640,000 - an existing bldg. will be renovated and equipment purchased - one part time and five full-time jobs will be created as a result of the project

TO BE PASSED THIS EVENING

R-10-10-10

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8520 Bluffton Road, Fort Wayne, Indiana 46809 (Fixon Investments, LLC for Diversified Marketing Solutions, Inc.)

Total cost of \$640,000 - an existing bldg. will be renovated and equipment purchased - one part time and five full-time jobs will be created as a result of the project

PUBLIC HEARING - 10-9-10 -- 5:30 P.M.

REGULATIONS COMMITTEE

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

ACTION

Z-10-10-07

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-58 (Sec. 6 of St. Joseph Township)
4929 East Dupont Road - to allow for a 5,200 square foot child care/development center

Z-10-10-08

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. G-02 (Sec. 8 of Wayne Township)
4129 West Jefferson Blvd - to allow for a 2,400 fitness center that will be utilized by the employees of the adjacent office building

PUBLIC WORKS COMMITTEE

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

S-10-10-21

AN ORDINANCE approving Project Coordination Contract EDS#: A249-11-320206 - Des. No. 0901798 - Dupont Road Added Travel Lanes from Lima to Coldwater between Indot and the City of Fort Wayne, Indiana, in connection with the Board of Public Works
Total cost of \$125,000 (Local Share)



BILL NO. S-10-10-11

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of STATE QPA #9167 - PURCHASE OF 800 MHZ RADIOS by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MOTOROLA 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 STATE QPA #9167 - PURCHASE OF 800 MHZ RADIOS between the City of Fort Wayne, by and through its Department of Purchasing and MOTOROLA for the WATER MAINTENANCE AND SERVICE DEPARTMENT, respectfully for:

purchase of 800 MHZ radios for the Water Maintenance and Service Department from the State QPA;

involving a total cost of ONE HUNDRED SIXTY-FIVE THOUSAND, FOUR HUNDRED NINE AND 25/100 DOLLARS - (\$165,409.25) all as more particularly set forth in said STATE QPA #9167 - PURCHASE OF 800 MHZ RADIOS 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-10-10-17

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving FILTER #15 UNDERDRAIN PILOT - RES. #2060-2008, W.O. #65799 between MASON ENGINEERING & CONSTRUCTION, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the FILTER #15 UNDERDRAIN PILOT - RES. #2060-2008, W.O. #65799 by and between MASON ENGINEERING & CONSTRUCTION, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for General construction and mechanical work to install a new under-drain system in Filtration Plant Filter #15. Demolition of existing filter underdrain system and installation of associated low pressure air piping, are also included in this Project:

involving a total cost of ONE HUNDRED SEVENTY-NINE THOUSAND, SEVEN HUNDRED AND NO/100 DOLLARS - (\$179,700.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-10-18

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT - WARFIELD RELIEF SEWER - RES. #2237-2010, W.O. #75419 between API CONSTRUCTION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the CONSTRUCTION CONTRACT - WARFIELD RELIEF SEWER - RES. #2237-2010, W.O. #75419 by and between API CONSTRUCTION and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Installation of approximately 6,000 LF of 30" PVC sanitary relief sewer, manholes and diversion structures:

involving a total cost of ONE MILLION, FOUR HUNDRED SIXTY, SEVEN HUNDRED EIGHTY AND NO/100 DOLLARS - (\$1,460,780.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-10-19

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT - MEDIUM DIAMETER CIPP 2010 - RES. #2366-2010, W.O. #75549 between INSITUFORM TECHNOLOGIES USA INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT - MEDIUM DIAMETER CIPP 2010 - RES. #2366-2010, W.O. #75549 by and between INSITUFORM TECHNOLOGIES USA INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Rehabilitation of approximately 19,750 LF of medium diameter (16-inch to 36-inch) sanitary and storm sewer by means of a cured-in-place pipe method:

involving a total cost of ONE MILLION, SIX HUNDRED EIGHTY-SEVEN THOUSAND, SEVEN HUNDRED EIGHTEEN AND 60/100 DOLLARS - (\$1,687,718.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-10-20

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONSTRUCTION CONTRACT - WPCP ADDITIONAL RAW WASTEWATER PUMPS & SECONDARY CLARIFIER HYDRAULIC IMPROVEMENTS. RES. #2202-2009, W.O. #75397 between ROBERT E. CROSBY and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the CONSTRUCTION CONTRACT - WPCP ADDITIONAL RAW WASTEWATER PUMPS & SECONDARY CLARIFIER HYDRAULIC IMPROVEMENTS. RES. #2202-2009, W.O. #75397 by and between ROBERT E. CROSBY and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for Construction of the additional raw wastewater pumps includes provision of two new 24 mgd, 325 horsepower, dry-pit submersible centrifugal pumps in the existing raw wastewater pump station, new ductile iron piping, magnetic flow meter, and suction-side isolation valve for each new pump, and a new Allen Bradley variable frequency drive for each new pump. Raw wastewater pumping system Work also includes removal of existing variable frequency drives for the four existing pumps and replacement with new Allen Bradley variable frequency drives. The project includes replacement of the existing Modicon PLC system with a new Allen Bradley PLC system for the Preliminary Treatment Facilities. The system replacement includes PLCs, remote I/O racks, and device network communications to variable frequency drives. New level instrumentation for the Preliminary Treatment Facilities is also included. The secondary clarifier hydraulic improvements include removal of a portion of the effluent weir wall and recalibration of the existing effluent flow meter for each of the nine secondary clarifiers to increase hydraulic capacity. The Project includes other mechanical, instrumentation and control, electrical, and general construction work associated with the major features of the Project described above. Agreement includes Base Bid plus Alternate #2:

involving a total cost of TWO MILLION, ONE HUNDRED FOUR THOUSAND AND NO/100 DOLLARS - (\$2,104,000.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-10-22

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROFESSIONAL SERVICES AGREEMENT FOR AERATION BLOWER IMPROVEMENTS, PHASE II - RES. #2222-2009, W.O. #75407 between CH2M HILL, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the PROFESSIONAL SERVICES AGREEMENT FOR AERATION BLOWER IMPROVEMENTS, PHASE II - RES. #2222-2009, W.O. #75407 by and between CH2M HILL, INC. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

Construction Manager - Resident Project Representative will oversee the construction of the Aeration Blower improvements for refurbishing four existing Roots centrifugal blowers and upgrading Blower #8 dual vane control:

involving a total cost of ONE HUNDRED TWENTY-SEVEN THOUSAND, EIGHT HUNDRED NINETY-FOUR AND NO/100 DOLLARS - (\$127,894.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

BILL NO. S-10-10-12

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving the awarding of ITB #3256 - DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE, INDIANA by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and OXENDINE, LEININGER, MARTIN'S AND LUNZ for the NEIGHBORHOOD CODE ENFORMCEMENT.

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

SECTION 1. That ITB #3256 - DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE, INDIANA between the City of Fort Wayne, by and through its Department of Purchasing and OXENDINE, LEININGER, MARTIN'S AND LUNZ for the NEIGHBORHOOD CODE ENFORMCEMENT, respectfully for:

demolitions and lot restorations for Neighborhood Code Enforcement: involving a total cost of ONE HUNDRED THIRTY-FOUR THOUSAND, FIVE HUNDRED SEVENTY-FOUR AND NO/100 DOLLARS - (\$134,574.00)-(OXENDINE - \$40,160.00; LEININGER - \$20,355.00; MARTIN'S - \$23,639.00; \$50,420.00) all as more particularly set forth in said ITB #3256 - DEMOLITIONS/LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE, INDIANA 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 OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA, SUPPLEMENTING AND AMENDING SPECIAL ORDINANCE NO. S-47-01
ADOPTED ON JUNE 19, 2001, FOR THE PURPOSE OF AUTHORIZING THE
EXECUTION AND DELIVERY OF AMENDED PARKING GARAGE REVENUE BONDS
OF THE CITY AND REGARDING CERTAIN RELATED MATTERS**

WHEREAS, the City of Fort Wayne, Indiana (the “City”), has heretofore established and constructed and currently owns and operates a multi-story public parking garage (the “Parking Garage”) serving the city-county office building, pursuant to the laws of the State of Indiana (the “State”); and

WHEREAS, on July 24, 2001, the City issued its Parking Garage Revenue Bonds, Series 2001, in the aggregate principal amount of One Million Seven Hundred Thousand Dollars (\$1,700,000) (the “2001 Bonds”), to provide funds to be applied to a portion of the costs of an addition to the Parking Garage and to pay incidental charges in connection with the issuance of the 2001 Bonds, all pursuant to Special Ordinance No. S-47-01 adopted by the Common Council of the City (the “Common Council”) on June 19, 2001 (the “Original Bond Ordinance”); and

WHEREAS, as of the date hereof, the 2001 Bonds are outstanding in the aggregate principal amount equal to \$1,210,000; and

WHEREAS, pursuant to the terms of the 2001 Bonds and the Qualified Entity Purchase Agreement, dated as of July 24, 2001 (the “2001 Purchase Agreement”), between the City and the Indiana Bond Bank (the “Bond Bank”), the City has the right to redeem its 2001 Bonds maturing on or after January 15, 2012 prior to the stated maturity thereof on any date on or after January 15, 2011 (the “Call Rights”); and

WHEREAS, the Bond Bank previously issued its Indiana Bond Bank Special Program Bonds, Series 2001 A (the “Prior Bond Bank Bonds”), a portion of the proceeds of which were used to purchase the 2001 Bonds from the City; and

WHEREAS, the Bond Bank has authorized and issued its Indiana Bond Bank Special Program Multipurpose Bonds, Series 2010 A-1 and its Indiana Bond Bank Taxable Special Program Multipurpose Bonds, Series 2010 A-2 (collectively, the “Refunding Bond Bank Bonds”) for the purpose of refunding all or a portion of the Prior Bond Bank Bonds, and, as a condition to sharing a portion of the savings associated with the Refunding Bond Bank Bonds with the City, the Bond Bank has requested that the City sell the Call Rights to the Bond Bank and evidence the waiver of such rights and sale thereof to the Bond Bank by executing and delivering its Amended 2001 Bonds (as hereinafter defined) and, following the issuance of the Refunding Bond Bank Bonds, exchange the Amended 2001 Bonds for the outstanding 2001 Bonds; and

WHEREAS, pursuant to the terms of the Original Bond Ordinance, the City may grant or confer upon the owners of the 2001 Bonds any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the 2001 Bonds, or to make any change which, in the judgment of the City, is not to the prejudice of the owners of the 2001 Bonds; and

WHEREAS, pursuant to the terms of the Original Bond Ordinance, the City may, from time to time and at any time, without consent of, or notice to, any of the owners of the 2001 Bonds, amend the Original Bond Ordinance for any purpose if in the judgment of the City such amendment does not adversely affect the interests of the owners of the outstanding 2001 Bonds; and

WHEREAS, on the date hereof, the Bond Bank is the owner of all of the outstanding 2001 Bonds; and

WHEREAS, the Common Council now desires to adopt this Ordinance (the “Supplemental Ordinance”) to supplement and amend the Original Bond Ordinance (the Original Bond Ordinance, as supplemented and amended by this Supplemental Ordinance, collectively, the “Ordinance”) and to authorize the sale of the Call Rights and the execution and delivery of the Amended 2001 Bonds and the exchange thereof for the outstanding 2001 Bonds, all in consideration for the Bond Bank paying to the City a portion of the savings associated with the Refunding Bond Bank Bonds in an amount equal to \$48,584.53 (the “2010 Savings”); and

WHEREAS, the Common Council has determined that a significant benefit to the City in the amount of the 2010 Savings will be effected by the issuance of the Refunding Bond Bank Bonds and that the sale of the Call Rights and the execution and delivery of the Amended 2001 Bonds will not adversely affect the owners of the 2001 Bonds upon the execution and delivery of the Amended 2001 Bonds; and

WHEREAS, the Common Council now finds that all conditions precedent to the adoption of this Supplemental Ordinance have been complied with in accordance with the provisions of Indiana Code 5-1-5, as amended, and other laws supplemental or amendatory thereof, to the extent each is applicable hereto (collectively, the “Act”);

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

Section 1. Authorization of 2010 Transaction; Sale of Call Rights. The Common Council hereby determines that the receipt of the 2010 Savings in exchange for the sale of the Call Rights and the execution and delivery by the City of the Amended 2001 Bonds to the Bond Bank in exchange for the outstanding 2001 Bonds now held by the Bond Bank (the “2010 Transaction”), is in the best interests of the City and is consistent with and in furtherance of the purposes for which the City was created and exists. The City is hereby authorized to sell the Call Rights to the Bond Bank in accordance with the terms and conditions of this Supplemental Ordinance.

Section 2. The Amended 2001 Bonds. In accordance with the Act and for the purpose of the 2010 Transaction, the City shall execute and deliver its amended revenue bonds, designated “City of Fort Wayne, Indiana, Amended Parking Garage Revenue Bonds, Series 2001,” in an aggregate

principal amount not to exceed the aggregate principal amount of the 2001 Bonds which are currently outstanding (the “Amended 2001 Bonds”) and exchange the Amended 2001 Bonds for all of the outstanding 2001 Bonds. Except where inconsistent with the provisions of this Supplemental Ordinance, the terms and conditions of the Amended 2001 Bonds shall be the same as those of the outstanding 2001 Bonds as provided in the Original Bond Ordinance. The form of the Amended 2001 Bonds shall be substantially in the form of Exhibit A attached hereto, and shall be executed and delivered in the same manner and in accordance with the terms and conditions of the Original Bond Ordinance.

Section 3. No Optional Redemption Prior to Maturity. Notwithstanding anything in the Original Bond Ordinance, the 2001 Purchase Agreement or the 2001 Bonds to the contrary, the Amended 2001 Bonds shall not be subject to optional redemption prior to maturity.

Section 4. Use of 2010 Savings. The 2010 Savings shall be deposited by the Controller of the City into the Bond Principal and Interest Account, the Debt Service Reserve Account or the Excess Account, each as established within the Parking Garage Revenue Fund created by the Original Bond Ordinance. Such proceeds shall be used by the City for the purposes of such account or accounts, or as otherwise permitted by law.

Section 5. Purchase Agreement. The Qualified Entity Purchase Agreement (the “2010 Purchase Agreement”), in substantially the form submitted to the Common Council at this meeting, is hereby approved. The Mayor and the Clerk of the City are hereby authorized and directed to execute the 2010 Purchase Agreement with such changes and revisions as they deem necessary, desirable or appropriate and to deliver the 2010 Purchase Agreement to the Bond Bank.

Section 6. Bond Bank Official Statement / Continuing Disclosure Agreement. Use of information concerning the City in any offering materials including a Preliminary Official Statement and distributed in connection with the issuance of the Refunding Bond Bank Bonds is hereby authorized, ratified and approved. If necessary, the Mayor, the Controller and the Clerk of the City are hereby authorized and directed to have prepared and delivered to the Bond Bank any information required for such use and further to deem and determine those portions of the Preliminary Official Statement relating to the City as near final for purposes of Rule 15c2-12 of the United States Securities and Exchange Commission, as amended (the “SEC Rule”). Further, the Mayor, the Controller and the Clerk of the City are hereby authorized and directed to execute a continuing disclosure agreement in a form sufficient to allow the underwriters of the Refunding Bond Bank Bonds to comply with the SEC Rule upon being notified by the Bond Bank that the City is an “obligated person” (as defined in the SEC Rule) with respect to the Refunding Bond Bank Bonds.

Section 7. Further Actions. The Mayor, the Controller, the Clerk and any other officer of the City are each hereby authorized and directed, for and on behalf of the City, to execute, attest and seal all such documents, instruments, certificates, closing papers and other papers and do all such acts and things as may be necessary, desirable or appropriate to effect the 2010 Transaction and to carry out the purposes of this Supplemental Ordinance and the execution and delivery of the Amended 2001 Bonds in accordance with the Ordinance, including, but not limited to, the execution of any certificates, purchase agreements or other documents necessary to effect the 2010 Transaction, and any and all

actions, documents, agreements and certificates heretofore taken or executed in connection with the 2010 Transaction or this Supplemental Ordinance, be, and hereby are, ratified and approved.

Section 8. Construction with Other Ordinances. This Supplemental Ordinance is hereby intended to amend and supplement the Original Bond Ordinance, and to the extent of any inconsistencies or conflicts, if any, between any provision or provisions of this Supplemental Ordinance and the Original Bond Ordinance, the provisions of this Supplemental Ordinance shall be controlling and binding. All ordinances or parts of ordinances, except the Original Bond Ordinance as supplemented and amended by this Supplemental Ordinance, in conflict with the Ordinance are hereby repealed. Unless the context otherwise requires and except as supplemented herein, any references in the Original Bond Ordinance to the 2001 Bonds shall mean the Amended 2001 Bonds and any accounts created and maintained by the City for the benefit of holders of the 2001 Bonds shall now be maintained, and the funds therein shall now be held, for the benefit of the holders of the Amended 2001 Bonds.

Section 9. Effective Date. This Supplemental Ordinance shall be in full force and effect from and after its passage by the Common Council and upon compliance with the procedures required by law.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

EXHIBIT A

FORM OF AMENDED 2001 BONDS

NO. 01R-1

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF ALLEN

CITY OF FORT WAYNE, INDIANA

AMENDED PARKING GARAGE REVENUE BOND, SERIES 2001

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Authentication Date</u>
<u>Exhibit A</u>	<u>Exhibit A</u>	July 24, 2001	November 1, 2010

REGISTERED OWNER: Indiana Bond Bank
PRINCIPAL SUM: One Million Two Hundred Ten Thousand Dollars (\$1,210,000)

The City of Fort Wayne (the "City"), in Allen County, State of Indiana, for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, upon surrender hereof, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above on the Maturity Dates and in the amounts specified set forth on Exhibit A attached hereto, and to pay interest thereon until the Principal Sum shall be fully paid, at the Interest Rates per annum stated on Exhibit A according to maturity and from the interest payment date to which interest has been paid or duly provided for next preceding the Authentication Date of this bond as shown above (unless this bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date, it shall bear interest from such interest payment date, and unless this bond is authenticated on or before January 15, 2002, it shall bear interest from the Original Date specified above), which interest is payable semi-annually on January 15 and July 15 of each year, commencing January 15, 2011. Interest shall be calculated on the basis of twelve (12) thirty (30)-day months for a three hundred sixty (360)-day year.

The principal of, premium, if any, and interest on this bond are payable at the principal office of the Controller of the City or of any successor registrar and paying agent appointed under the Ordinance hereinafter mentioned (the "Registrar" and the "Paying Agent"). Interest hereon will be paid by cash or draft mailed by the Paying Agent one business day prior to the payment date to the Registered Owner hereof at the address as it appears on the registration books of the Registrar as of the fifteenth day of the month immediately preceding the applicable interest payment date or at such other address as is furnished to the Paying Agent in writing by such Registered Owner. All payments on this bond shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public and private debts.

This bond is one of an authorized issue of bonds of the City of Fort Wayne, Indiana, designated as “City of Fort Wayne, Indiana, Amended Parking Garage Revenue Bonds, Series 2001” (the “2001 Bonds”), of like date, tenor and effect, except as to numbering, interest rates and dates of maturity, in the total amount of One Million Two Hundred Ten Thousand Dollars (\$1,210,000), numbered from R-1 upward, issued for the purpose of providing funds to be applied to a portion of the costs of an addition to the Plaza Parking Garage of the City and to pay incidental charges in connection with the issuance of the 2001 Bonds, as authorized by an ordinance adopted by the Common Council of the City on June 19, 2001, entitled “An Ordinance of the City of Fort Wayne, Indiana (the “City”), Authorizing the Issuance and Sale of Revenue Bonds of the City Payable from Plaza Parking Garage Net Operating Revenues to be Received By the City for the Purpose of Financing a Portion of the Costs of an Addition to the Plaza Parking Garage, Together with Expenses in Connection with the Issuance of Bonds,” as amended by an ordinance adopted by the Common Council of the City on the 19th day of October, 2010, entitled “An Ordinance of the Common Council of the City of Fort Wayne, Indiana, Supplementing and Amending Special Ordinance No. S-47-01 Adopted on June 19, 2001, for the Purpose of Authorizing the Execution and Delivery of Amended Parking Garage Revenue Bonds of the City and Regarding Certain Related Matters” (collectively, the “Ordinance”), and in strict compliance with the provisions of Indiana law.

Pursuant to the provisions of said Ordinance, the principal of, premium, if any, and interest on this bond and all other bonds of this issue and any bonds hereafter issued ranking on a parity herewith, are payable solely from the Sinking Fund (created by the Ordinance) to be provided from the Parking Garage net operating revenues received by the City. The City shall not be obligated to pay this bond or interest thereon except from said special fund provided from said revenues. Subject to the provisions for registration and to certain other provisions set forth in the Ordinance, this bond is negotiable under the laws of the State of Indiana.

The City of Fort Wayne, Indiana, irrevocably pledges the entire net operating revenues of the Parking Garage which the City receives through its ownership interest in the Parking Garage deposited into the Sinking Fund created by the Ordinance, to the extent necessary for that purpose, to the prompt payment of the principal of, premium, if any, and interest on the bonds authorized by said Ordinance, of which this is one, and any bonds ranking on a parity herewith.

The City reserves the right pursuant to the terms and conditions of the Ordinance to authorize and issue additional bonds hereafter payable out of the net operating revenues of the Parking Garage received by the City through its ownership interest in the Parking Garage ranking on a parity herewith or junior hereto, for the purpose of financing additional expansions of and improvements to the Parking Garage.

This bond and all bonds of this issue are not subject to optional redemption prior to maturity thereof.

The principal of, premium, if any, and interest on this bond and all other bonds of the issue and any bonds hereafter issued ranking on a parity herewith are, to the extent and as provided in the Ordinance, payable solely out of the Sinking Fund created pursuant to the Ordinance, to be provided from the Parking Garage net operating revenues received by the City through its ownership interest in the Parking Garage.

In the manner provided in the Ordinance, the Ordinance and the rights and obligations of the City and of the owners of the bonds may (with certain exceptions stated in the Ordinance) be modified or amended with the consent of the owners of at least sixty percent (60%) in aggregate principal amount of outstanding bonds exclusive of bonds, if any, owned by the City. Additional bonds ranking on a parity with the bonds authorized by the Ordinance and other bonds, junior to the bonds authorized by the Ordinance, may be issued in accordance with the terms of the Ordinance.

This bond is transferable or exchangeable only upon the Bond Register, by the Registered Owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing. In the event that this bond is duly transferred or exchanged in accordance herewith, a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the Registered Owner, as the case may be, in exchange therefore. This bond may be transferred or exchanged without cost to the Registered Owner or his attorney duly authorized in writing, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any exchange or transfer of this bond during the fifteen (15) days immediately preceding an interest payment date on this bond. The City, the Registrar and the Paying Agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

In the event this bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new bond of like date, maturity and denomination as this bond, which new bond shall be marked in a manner to distinguish it from this bond; provided, that in the case of this bond being mutilated, this bond shall first be surrendered to the Registrar, and in the case of this bond being lost, stolen or destroyed, there shall first be furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and to the Registrar, together with indemnity satisfactory to them. In the event that this bond, being mutilated, lost, stolen or destroyed, shall have matured, instead of causing to be issued a duplicate bond the Registrar may pay this bond upon surrender of this mutilated bond or upon satisfactory indemnity and proof of loss, theft or destruction in the event this bond is lost, stolen or destroyed. In such event, the City and the Registrar may charge the owner of this bond with their reasonable fees and expenses in connection with the above. Every substitute bond issued by reason of this bond being lost, stolen or destroyed shall, with respect to this bond, constitute a substitute contractual obligation of the City, whether or not this bond, being lost, stolen or destroyed, shall be found at any time, and shall be entitled to all the benefits of the Ordinance, equally and proportionately with any and all other bonds duly issued thereunder.

The Registrar or Paying Agent may at any time resign as registrar or paying agent by giving thirty (30)-days' written notice to the City and by first-class mail to the registered owners of bonds then outstanding, and such resignation will take effect at the end of such thirty (30)-days or upon the earlier appointment of a successor registrar or paying agent, as the case may be, by the City. Such notice to the City may be served personally or sent by registered mail. The Registrar or Paying Agent may be removed at any time as registrar or paying agent by the City, in which event the City may appoint a successor registrar or paying agent, as the case may be. The City shall notice the Registered Owner of this bond, if then outstanding, by first-class mail of the removal of the Registrar or the Paying Agent.

Notices to the registered owners of the bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear in the registration books kept by the Registrar.

This bond is issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount of the bonds of this issue maturing in any one year.

The bonds authorized and issued pursuant to the Ordinance, including this bond, are subject to defeasance prior to payment as provided in the Ordinance.

The City hereby certifies, recites and declares that all acts, conditions and things required to be done precedent to and in the preparation, execution, issuance and delivery of this bond have been done and performed in regular and due form as required by law.

This bond shall not be valid or become obligatory for any purpose or entitled to any security or benefit under the Ordinance herein described unless and until the certificate of authentication hereon shall have been executed by a duly authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Fort Wayne, Indiana, in Allen County, State of Indiana, has caused this bond to be executed in its corporate name and on its behalf by the manual or facsimile signature of its Mayor, countersigned by the manual or facsimile signature of its Controller, and attested by the manual or facsimile signature of its Clerk who has caused the official corporate seal or a facsimile thereof to be hereunto affixed.

CITY OF FORT WAYNE, INDIANA

By: _____
Mayor, City of
Fort Wayne, Indiana

Countersigned: _____
_____ Controller, City
of Fort Wayne,
Indiana

(Seal)

ATTEST:

Clerk, City of Fort Wayne,
Indiana

REGISTER'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this bond is one of the City of Fort Wayne, Indiana, Amended Parking Garage Revenue Bonds, Series 2001, issued and delivered pursuant to the provisions of the within-mentioned Ordinance.

CONTROLLER OF THE CITY OF
FORT WAYNE, INDIANA, as
Registrar

By
:

Authorized Representative

ASSIGNMENT

**FOR VALUE RECEIVED the undersigned hereby
sells, assigns and transfers unto
_____ (insert name and
address) the within bond and all rights
thereunder, and hereby irrevocably constitutes
and appoints _____ attorney to
transfer the within bond on the books kept for
the registration thereof with full power of
substitution in the premises.**

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guarantee:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor participating in a Securities Transfer Association recognized signatory guaranty program

EXHIBIT A

<u>Maturity</u> <u>Dates</u>	<u>Principal</u> <u>Sums</u>	<u>Interest</u> <u>Rates</u>
January 15, 2011	\$ 85,000	4.870%
January 15, 2012	90,000	5.030
January 15, 2013	95,000	5.130
January 15, 2014	95,000	5.230
January 15, 2015	100,000	5.510
January 15, 2016	110,000	5.510
January 15, 2017	115,000	5.510
January 15, 2018	120,000	5.510
January 15, 2019	125,000	5.590
January 15, 2020	135,000	5.590
January 15, 2021	140,000	5.590

AN ORDINANCE certifying and approving the need for the services of a consultant to provide professional construction inspection services -2010 to the Water Resources Department for the City of Fort Wayne through its Board of Public Works.

WHEREAS, the City of Fort Wayne through its Board of Public Works desires to provide professional construction inspection services – 2010 - to the Water Resources Department for new sanitary sewers, water mains and stormwater facilities on private developments and Utility funded Capital Improvement projects; and

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

WHEREAS, the Board of Public Works believes that there is a need to employ GAI Consultants (Bonar Group), Construction Support Services, DLZ of Indiana and Engineering Technologies to perform this service; and

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

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

SECTION 1. The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of consultants to provide professional inspection services – 2010 - to the Water Resources Department for new sanitary sewers, water mains and stormwater facilities on private developments and Utility Funded Capital Improvement project.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and through December, 2010.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

AN ORDINANCE certifying and approving the need for the services of a consultant to provide professional construction inspection services -2011 to the Water Resources Department for the City of Fort Wayne through its Board of Public Works.

WHEREAS, the City of Fort Wayne through its Board of Public Works desires to provide professional construction inspection services – 2011- to the Water Resources Department for new sanitary sewers, water mains and stormwater facilities on private developments and Utility funded Capital Improvement projects; and

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

WHEREAS, the Board of Public Works believes that there is a need to employ GAI Consultants (Bonar Group), Construction Support Services, DLZ of Indiana, Engineering Technologies, Butler, Fairman & Seifert and A&Z Engineering to perform this service; and

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

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

SECTION 1. The Common Council of the City of Fort Wayne hereby certifies and approves the need for the services of consultants to provide professional inspection services – 2011 - to the Water Resources Department for new sanitary sewers, water mains and stormwater facilities on private developments and Utility Funded Capital Improvement project.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and through December, 2011.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

BILL NO. R-10-10-14

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA PROVIDING PRELIMINARY APPROVAL OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PROVIDING FINANCING OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES TO BE OWNED AND OPERATED BY CONCORDIA THEOLOGICAL SEMINARY, INC.

RESOLVED, by the Common Council of the City of Fort Wayne, Indiana (the "Common Council" and "City," respectively), as follows:

WHEREAS, the City is authorized by I.C. 36-7-11.9 and 12 as supplemented and amended (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, installation and equipping of said facilities, and said facilities to be either leased to another person or directly owned by another person; and

WHEREAS, Concordia Theological Seminary, Inc. (the "Applicant") has advised the City of Fort Wayne Economic Development Commission (the "Commission") and the City that it proposes that the City issue and sell its economic development revenue bonds for the purpose of providing financing to the Applicant of certain economic development facilities consisting of the acquisition, construction, installation and equipping of an approximately 48,000 square foot addition to the Applicant's existing library facilities together with the acquisition of furnishing and equipment to be utilized therein located at 6600 N. Clinton Street, Fort Wayne, Indiana 46825 which addition will consist of library material, shelving, study and meeting rooms and administrative offices (the "Project"), and the Commission has adopted a Resolution containing the requisite findings of the Commission, recommending that the City adopt a resolution giving preliminary approval to a proposed issuance of economic development revenue bonds for the financing of the Project; and

WHEREAS, the Project will be owned and operated by the Applicant for use as an economic development facility within the meaning of the Act; and

WHEREAS, it appears that the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the Project will serve a public purpose and will be of benefit to the health and general welfare of the City, and that the proposed financing complies with the provisions of the Act; and

WHEREAS, it appears that the Project will not have adverse competitive effect on any similar facility already constructed or operating in the City;

FURTHER RESOLVED, by the Common Council of the City of Fort Wayne, Indiana, as follows:

The Common Council finds, determines, ratifies and confirms that the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the Project in the City of Fort Wayne, Indiana will be of benefit to the health and general welfare of the citizens of the City; and that it is in the public interest that the Common Council take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said City.

The Common Council further finds, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds of the City under the Act in an amount not to exceed \$5,000,000 for the Project and the loan of the proceeds of the revenue bonds to the Applicant will serve the public purposes referred to above, in accordance with the Act.

The proposed economic development facilities will not have an adverse competitive effect on any similar facilities already under construction or in operation in the City.

In order to induce the Applicant to proceed with the Project, the Common Council hereby finds, determines, ratifies and confirms that:

It will take or cause to be taken such actions pursuant to the Act as may be reasonably required to implement the aforesaid financing, or as it may deem reasonably appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the City and the Applicant; and

It will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be reasonably necessary and advisable for the authorization, issuance and sale of said economic development bonds.

All costs of the Project incurred for planning, engineering, underwriting expenses, attorney and bond counsel fees, acquisition and installation of the Project will be permitted to be included as part of the Project costs to be financed out of the loan of the proceeds from the sale of the bonds to the extent permitted by the Act and applicable regulations promulgated under the Internal Revenue Code of 1986, as amended. This Resolution shall also be deemed to constitute a declaration of the City's official intent pursuant to Treasury Regulation Section 1.150-2 to permit the Borrower to be reimbursed from proceeds of the bonds for all expenditures for the Project paid during the period beginning sixty (60)

days prior to the date hereof until the date of issuance of the bonds.

All action taken and approvals given by the City with regard to the Applicant are based upon the evidence submitted and representations made by the Applicant, its agents and counsel. No independent examination, appraisal or inspection of the Project was made, requested, or is contemplated by the City.

The City does not, by this or any other approval or finding, guarantee, warrant or even suggest that the bonds (if and when issued), coupons or series thereof will be a reasonable investment for any person, firm or corporation.

The City shall not be obligated, directly or indirectly, to see to the application or use of the proceeds from the sale of the bonds or to see that the contemplated improvements, if any, are constructed. The City is in no way responsible to the holders of any bonds for any payment obligation created by the bonds.

The City does not warrant, guarantee or even suggest that interest to be paid to or income to be received by the holders of any bond, coupon or series thereof is exempt from taxation by any local, state or federal government.

The bonds, if an when issued, shall be special, limited obligations of the City payable solely from the funds provided therefore as described in the indenture authorizing the bonds, and shall not constitute an

indebtedness of the Commission or the City or a loan of the credit thereof.

This resolution does not constitute a binding obligation of the Commission or the City to issue the bonds, but instead, is a commitment by the City to proceed with negotiations for the financing described herein with the Applicant and is subject to the adoption of a bond ordinance by the City in accordance with the provisions of the Act.

This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-4-6 et seq.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8520 Bluffton Road, Fort Wayne, Indiana 46809 (Fixon Investments, LLC for Diversified Marketing Solutions, Inc.)

WHEREAS, Petitioner has duly filed its petition dated September 31, 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 five full-time and one part-time, permanent jobs for a total new, annual payroll of \$181,000, with the average new annual job salary being \$30,167 and retain 14 full-time and one part-time, permanent jobs for a total current annual payroll of \$672,000, with the average current, annual job salary being \$44,800; and

WHEREAS, the total estimated project cost is \$640,000; 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 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 logistical distribution 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 logistical distribution 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 \$2.9703/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 and information technology equipment shall be for a period of seven years.

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

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

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

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

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Taylor, City Attorney

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 8520 Bluffton Road, Fort Wayne, Indiana 46809 (Fixon Investments, LLC for Diversified Marketing Solutions, 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 five full-time and one part-time, permanent jobs for a total additional annual payroll of \$181,000, with the average new annual job salary being \$30,167 and retain 14 full-time and one part-time, permanent jobs for a current annual payroll of \$672,000, with the average current annual job salary being \$44,800; and

WHEREAS, the total estimated project cost is \$640,000; 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; 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 logistical distribution 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 logistical distribution 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 logistical distribution 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 \$2.9703/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 and information technology equipment shall be for a period of seven 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 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 logistical distribution and/or 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

#1221

BILL NO. Z-10-10-07

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. P-58 (Sec. 6 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:

Lots 9 and 10 in Reinig's Suburban Addition, according to the plats thereof, recorded in Plat Book 17, page 44 in the Office of the Recorder of Allen County, Indiana.

EXCEPT THEREFROM:

A part of Lots 9 and 10 in Reinig's Suburban Addition, a subdivision of the Fractional Northwest Quarter of Section 6, Township 31 North, Range 13 East, Allen County, Indiana, the plat of which subdivision is recorded in Plat Book 17, page 44, in the Office of the Recorder of Allen County, Indiana, described as follows:

Beginning at the Northwest corner of said Lot 9; thence North 88 degrees 30 minutes 18 seconds East 200.00 feet along the North line of said lots to the Northeast corner of said Lot 10; thence South 2 degrees 51 minutes 01 seconds East 12.26 feet along the East line of said Lot 10; thence North 80 degrees 10 minutes 08 seconds West 18.35 feet; thence South 88 degrees 31 minutes 16 seconds West 182.10 feet to the West line of said Lot 9, thence North 2 degrees 51 minutes 01 seconds West 8.61 feet along said West line to the Point of Beginning and containing 1,759 square feet, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. P-58 (Sec. 6 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

#1222

BILL NO. Z-10-10-08

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. G-02 (Sec. 8 of Wayne Township)**

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

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

A tract of land situated in Section 8, Township 30 North, Range 12 East in Allen County, Indiana, being a part of LaGro Reserve in said Township and Range, more fully described as follows, to-wit: Beginning at a point 6 chains and 50 links West of and 40 chains North of the Southeast corner of said Reserve; thence West on the North line of the Southeast Quarter of said reserve chain to a point in the center line of the Huntington Road; thence South 51 degrees 30 minutes West along the center line of said Huntington Road 1235 feet to the point of beginning of the tract of land herein being described; thence continuing Southwesterly on the centerline of said Huntington Road, a distance of 115 feet; thence South 38 degrees and 30 minutes East 385 feet; thence North 51 degrees 30 minutes East 115 feet; thence North 38 degrees and 30 minutes West to the place of beginning, containing 1.0 acre of land, more or less, in Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. G-02 (Sec. 8 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

BILL NO. S-10-10-21

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving PROJECT COORDINATION CONTRACT EDS#: A249-11-320206 – DES. NO. 0901798- DUPONT ROAD ADDED TRAVEL LANES FROM LIMA TO COLDWATER between INDOT and the City of Fort Wayne, Indiana, in connection with the Board of Public Works.

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

SECTION 1. That the PROJECT COORDINATION CONTRACT EDS#: A249-11-320206 – DES. NO. 0901798- - DUPONT ROAD ADDED TRAVEL LANES FROM LIMA TO COLDWATER by and between INDOT and the City of Fort Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified, and affirmed and approved in all respects, respectfully for:

preliminary engineering services associated with the added travel lanes on Dupont Road between Lima and Coldwater:

involving a total cost of ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$125,000.00) - LOCAL SHARE. A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

