

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
AUGUST 24, 2010**

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**CITY UTILITIES COMMITTEE**

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

**ACTION**

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**S-10-08-14**

**AN ORDINANCE approving contract for Old Lantern Trail Lift Station Improvements: Resolution 2178-2009; Work Order #75375 between Bercot, Inc. and the City of Fort Wayne, Indiana, in connection with the Board of Public Works  
Total cost of \$228,434**

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**S-10-08-16**

**AN ORDINANCE approving the awarding of increase of ITB #2929 - Purchase and Delivery of Liquid Sodium Hypochlorite by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Brenntag for the Water Pollution Plant  
Total cost of \$157,000  
(total amount for 2010 - \$342,000)**

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**S-10-08-17**

**AN ORDINANCE approving the awarding of increase of its #2941-purchase and delivery of Liquid Sodium Bisulfite by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and PVS for the Water Pollution Control Plant  
Total cost of \$75,000  
(total amount for 2010 - \$150,000)**

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**CITY UTILITIES COMMITTEE**

**CONTINUED**

**ACTION**

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**S-10-08-23**

**AN ORDINANCE approving the awarding of Resolution #2304-2010 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MacAllister Power System for the Three Rivers Filtration Plant**

**Total cost of \$735,400**

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**FINANCE COMMITTEE**

*Thomas E. Smith - Chair*

*Tim Pape - Co-Chair*

*All Council Members*

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**S-10-08-12**

**AN ORDINANCE approving the awarding of ITB #3215 - Taylor's Dream Boundless Playground Project - Kreager Park Phase 1: Site Construction by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Fetter's Construction**

**Total cost of \$834,900**

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**S-10-08-13**

**AN ORDINANCE approving the awarding of Award of RFP #3222 - the Kreager Park Splash Pad by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Spear Corporation**

**Total cost of \$125,000**

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**ACTION**

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**S-10-08-15**

**AN ORDINANCE approving the awarding of ITB #3229 – Demolitions and Lot Restorations for Properties Throughout the City of Fort Wayne by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Oxedine, Leininger Excavating, Martin’s, and Lunz for the Neighborhood Code Enforcement**

Total cost of (\$189,750)

Oxendine (13) - \$108,067; Leininger (2) - \$27,085; Martin’s (4) - \$13,389; Lunz (11) \$41,209

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**R-10-08-10**

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 300 East Washington Boulevard, Fort Wayne, Indiana 46802 (LL Fort Wayne Realty, LLC and LL Fort Wayne, LLC d/b/a Lamplight Inn at Fort Wayne**

Total cost of \$686,000 - located in the downtown economic development target area -

35 full-time and 15 part-time jobs will be created as a result of the project

To be passed this evening

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**R-10-08-11**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known a 300 East Washington Boulevard, Fort Wayne, Indiana 46802 (LL Fort Wayne Realty, LLC and LL Fort Wayne, LLC d/b/a Lamplight Inn at Fort Wayne**

Total cost of \$686,000 - located in the downtown economic development target area - 35 full-time and 15 part-time jobs will be created as a result of the project

Public Hearing 9-14-10 -- 5:30 P.M.

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## REGULATIONS COMMITTEE

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

### ACTION

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#### **R-10-08-18**

**A RESOLUTION approving Compliance with Statement of Benefits (CF-1) form filings for 2010 for properties with approved “Economic Revitalization Areas” under I. C. 6-1.1-12.1**  
Will allow property owners with existing economic revitalization area designations to continue to receive their tax abatement benefits

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#### **G-10-08-24**

**AN ORDINANCE amending Chapter 38 of the City of Fort Wayne, Indiana, Code of Ordinances that establishes a requirement for publication of contracts for Goods and Services and a listing of City and City Utility Expenditures for Goods and Services by the City of Fort Wayne,**  
A new Section shall be added to Section 38 - 38.05 as follows - publication of contracts for goods and services and city expenditures

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#### **G-10-08-08**

**AN ORDINANCE for the purpose of vacating a portion of a dedicated utility easement**  
Easement to be vacated is located along the east property line of Lot 6 of Production Park, at 4632 Newaygo Road - to add on their existing industrial building

**Public Hearing - 9-14-10 - 5:30 P.M.**

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## REGULATIONS COMMITTEE CONTINUED

### ACTION

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#### **Z-10-08-07**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-58 (Sec. 3 of Washington Township)**  
Rezone approximately 1.14 acres of property from SC4-Reginal Shopping Center to CM3-General Commercial - 9821 Lima Road

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#### **Z-10-08-09**

**AN ORDINANCE amending the City of Fort Wayne Zoning Map Nos. N-14 and O-14 (Sec. 36 of Washington Township)**  
Rezone approximately 53.23 acres of property from R-2-Attached Single Family and Two Family Residential to R1-Single Family Residential - Northside Neighborhood Association

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## PUBLIC WORKS COMMITTEE

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

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#### **S-10-08-19**

**AN ORDINANCE approving contract for Solid Waste Collection between Republic Services of Indiana, LF D/B/A National Serv-All and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

Total cost of \$4,083,972 per year  
Solid Waste Collection: \$4.35 per month  
Per Occupied Single-Family and Multi-Family Dwelling

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## PUBLIC WORKS COMMITTEE CONTINUED

### ACTION

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**S-10-08-20**

**AN ORDINANCE approving contract for Solid Waste Disposal between Republic Services of Indiana, LP, D/B/A National Serv-All and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$2,420,600 per year**

**Solid Waste Disposal: \$24.70 per ton**

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**S-10-08-21**

**AN ORDINANCE approving contract for Recycling Collection between Republic Services of Indiana, LP, D/B/A National Serv-All and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$1,304,992 per year**

**\$1.39 per Occupied Single-Family and Multi-Family Dwelling**

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**S-10-08-22**

**AN ORDINANCE approving Contract for Recycling Processing Between Republic Services of Indiana, LP, D/B/A National Serv-All and the City of Fort Wayne, Indiana, in connection with the Board of Public Works**

**Total cost of \$198,860 per year**

**Recycling Processing: \$19.87 per ton**

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**BILL NO. S-10-08-14**

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

AN ORDINANCE approving CONTRACT FOR OLD LANTERN TRAIL LIFT STATION IMPROVEMENTS: RESOLUTION 2178-2009; WORK ORDER #75375 between BERCOT, 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 CONTRACT FOR OLD LANTERN TRAIL LIFT STATION IMPROVEMENTS: RESOLUTION 2178-2009; WORK ORDER #75375 by and between BERCOT, 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 the completion of the project "Old Lantern Trail Lift Station Improvements" by removing the 48" chimney and replacing it with a 72" barrel. Pumps and piping shall be removed and replaced with a new 60" valve pit shall be installed:

involving a total cost of TWO HUNDRED TWENTY-EIGHT THOUSAND, FOUR HUNDRED THIRTY-FOUR AND NO/100 DOLLARS - (\$228,434.00). 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**AN ORDINANCE** approving the awarding of INCREASE OF ITB #2929 - PURCHASE AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and BRENNTAG for the WATER POLLUTION CONTROL PLANT.

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

**SECTION 1.** That INCREASE OF ITB #2929 - PURCHASE AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE between the City of Fort Wayne, by and through its Department of Purchasing and BRENNTAG for the WATER POLLUTION CONTROL PLANT, respectfully for:

additional purchase and delivery of Liquid Sodium Hypochlorite for the Water Pollution Control Plant for 2010;

involving a total cost of ONE HUNDRED FIFTY-SEVEN THOUSAND AND NO/100 DOLLARS - (\$157,000.00) - (total amount for 2010 - \$342,000.00) all as more particularly set forth in said INCREASE OF ITB #2929 - PURCHASE AND DELIVERY OF LIQUID SODIUM HYPOCHLORITE which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-08-17**

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

**AN ORDINANCE** approving the awarding of INCREASE OF ITB #2941-PURCHASE AND DELIVERY OF LIQUID SODIUM BISULFITE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and PVS for the WATER POLLUTION CONTROL PLANT.

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

**SECTION 1.** That INCREASE OF ITB #2941-PURCHASE AND DELIVERY OF LIQUID SODIUM BISULFITE between the City of Fort Wayne, by and through its Department of Purchasing and PVS for the WATER POLLUTION CONTROL PLANT, respectfully for:

additional purchase and delivery of Liquid Sodium Bisulfite for the Water Pollution Control Plant for 2010;

involving a total cost of SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS - (\$75,000.00) - (total amount for 2010 - \$150,000.00) all as more particularly set forth in said INCREASE OF ITB #2941-PURCHASE AND DELIVERY OF LIQUID SODIUM BISULFITE which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-08-23**

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

**AN ORDINANCE** approving the awarding of RESOLUTION #2304-2010 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MACALLISTER POWER SYSTEM for the THREE RIVERS FILTRATION PLANT.

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

**SECTION 1.** That RESOLUTION #2304-2010 between the City of Fort Wayne, by and through its Department of Purchasing and MACALLISTER POWER SYSTEM (sole source vendor) for the THREE RIVERS FILTRATION PLANT, respectfully for:

pre-purchase of a 2500 kW standby emergency generator for the Three Rivers Filtration Plant;

involving a total cost of SEVEN HUNDRED THIRTY-FIVE THOUSAND, FOUR HUNDRED AND NO/100 DOLLARS - (\$735,400.00) all as more particularly set forth in said RESOLUTION #2304-2010 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.

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Council Member

**AN ORDINANCE** approving the awarding of ITB #3215 - TAYLOR'S DREAM BOUNDLESS PLAYGROUND PROJECT - KREAGER PARK PHASE I: SITE CONSTRUCTION by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and FETTER'S CONSTRUCTION

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

**SECTION 1.** That ITB #3215 - TAYLOR'S DREAM BOUNDLESS PLAYGROUND PROJECT - KREAGER PARK PHASE I: SITE CONSTRUCTION between the City of Fort Wayne, by and through its Department of Purchasing and FETTER'S CONSTRUCTION for the , respectfully for:

PHASE ONE FOR PROJECT "TAYLOR'S DREAM BOUNDLESS PLAYGROUND" FOR SITE WORK CONSISTING OF GRADING, UNDERGROUND UTILITY INSTALLATION, ASPHALT AND CONCRETE HARDSCAPE, A RESTROOM FACILITY BUILDING, ALL OF THE SITE AMENITIES INCLUDING PICNIC TABLES, BENCHES SHADE STRUCTURES, AND ALL LANDSCAPE AND IRRIGATION:

involving a total cost of EIGHT HUNDRED THIRTY-FOUR THOUSAND, NINE HUNDRED AND NO/100 DOLLARS (\$834,900.00) all as more particularly set forth in said ITB #3215 - TAYLOR'S DREAM BOUNDLESS PLAYGROUND PROJECT - KREAGER PARK PHASE I: SITE CONSTRUCTION which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**BILL NO. S-10-08-13**

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

**AN ORDINANCE** approving the awarding of AWARD OF RFP #3222 - THE KREAGER PARK SPLASH PAD by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and SPEAR CORPORATION.

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

**SECTION 1.** That AWARD OF RFP #3222 - THE KREAGER PARK SPLASH PAD between the City of Fort Wayne, by and through its Department of Purchasing and SPEAR CORPORATION respectfully for:

Supply material, labor and equipment to install a new 56' concrete splash pad at Kreager Park;

involving a total cost of ONE HUNDRED TWENTY-FIVE THOUSAND AND NO/100 DOLLARS - (\$125,000.00) all as more particularly set forth in said AWARD OF RFP #3222 - THE KREAGER PARK SPLASH PAD 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** approving the awarding of ITB #3229 - DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and OXENDINE, LEININGER EXCAVATING, MARTIN'S, AND LUNZ for the NEIGHBORHOOD CODE ENFORCEMENT.

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

**SECTION 1.** That ITB #3229 - DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE between the City of Fort Wayne, by and through its Department of Purchasing and OXENDINE, LEININGER EXCAVATING, MARTIN'S, AND LUNZ for the NEIGHBORHOOD CODE, respectfully for:

demolition and lot restoration of properties throughout the City of Fort Wayne through Neighborhood Code Enforcement

involving a total cost of ONE HUNDRED EIGHTY-NINE THOUSAND, SEVEN HUNDRED FIFTY AND NO/100 DOLLARS - (\$189,750.00) - (OXENDINE (13) - \$108,067.00; LEININGER (2) - \$27,085.00; MARTINS (4) - \$13,389.00; LUNZ (11) (\$41,209.00) all as more particularly set forth in said ITB #3229 - DEMOLITIONS AND LOT RESTORATIONS FOR PROPERTIES THROUGHOUT THE CITY OF FORT WAYNE which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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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 300 East Washington Boulevard, Fort Wayne, Indiana 46802 (LL Fort Wayne Realty, LLC and LL Fort Wayne, LLC d/b/a Lamplight Inn at Fort Wayne)**

**WHEREAS**, Petitioner has duly filed its petition dated August 10, 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 35 full-time and 15 part-time, permanent jobs for a total new, annual payroll of \$1,694,333, with the average new annual job salary being \$33,887 and retain 15 full-time, permanent jobs for a total current annual payroll of \$598,000, with the average current, annual job salary being \$39,867; and

**WHEREAS**, the total estimated project cost is \$686,000; 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 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 \$2.9703/\$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 information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 information technology equipment shall be for a period of ten years.

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

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

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 300 East Washington Boulevard, Fort Wayne, Indiana 46802 (LL Fort Wayne Realty, LLC and LL Fort Wayne, LLC d/b/a Lamplight Inn at Fort Wayne)**

**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 35 full-time and 15 part-time, permanent jobs for a total additional annual payroll of \$1,694,333, with the average new annual job salary being \$33,887 and retain 15 full-time, permanent jobs for a current annual payroll of \$598,000, with the average current annual job salary being \$39,867; and

**WHEREAS**, the total estimated project cost is \$686,000; and

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

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

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

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

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

**SECTION 3.** That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new 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 \$2.9703/\$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 information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.9703/\$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 \$2.9703/\$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 \$2.9703/\$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 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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

**A RESOLUTION approving Compliance with Statement of Benefits (CF-1) form filings for 2010 for properties with approved “Economic Revitalization Areas” under I.C. 6-1.1-12.1**

**WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution and Confirming Resolution with approved Statement of Benefits (SB-1) forms property for the following property owners as “Economic Revitalization Areas” 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**, property owners whose Statement of Benefits (SB-1) form was approved after July 1, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne, Indiana, must file a Compliance with Statement of Benefits Form (CF-1) with the Allen County Auditor and the City of Fort Wayne showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

**WHEREAS**, property owners in Exhibit A have filed Compliance with Statement of Benefit Forms with the Allen County Auditor’s Office and the City of Fort Wayne; and

**WHEREAS**, Common Council designated the City of Fort Wayne Department of Economic Development as the entity for the administration, application, processing and monitoring of Economic Revitalization Areas under Section 153.13 of the Municipal Code of the City of Fort Wayne; and

**WHEREAS**, Common Council has defined substantial compliance under Section 153.21 of the Municipal Code of the City of Fort Wayne as:

- 1. Meeting 75% or more of the numbers of full-time and/or part-time jobs stated to be created or retained as delineated in the original Statement of Benefits Form (SB-1) approved by Common Council; and

2. Meeting 75% or more of the total payroll stated to be created or retained as delineated in the original Statement of Benefits Form (SB-1) approved by Common Council; and

**WHEREAS**, Common Council shall determine not later than forty-five (45) days after receipt of the Compliance of Statement of Benefits Form (CF-1) that the property owner has substantially complied with the original Statement of Benefits Form (SB-1) approved by Common Council; and

**WHEREAS**, the City of Fort Wayne Community Development Division has previously provided Common Council an annual report on property owners that filed Compliance with Statement of Benefits Forms (CF-1) and their substantial compliance; and

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

**SECTION 1.** That, the Compliance with Statement of Benefits Forms (CF-1) filed for property owners listed in Exhibit A with approved economic revitalization areas are in substantial compliance pursuant to I.C. 6-1.1-12.1 and Section 153.21 of the Municipal Code of the City of Fort Wayne.

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

**BILL NO. G-10-08-24**

**General Ordinance No. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 38  
OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES  
THAT ESTABLISHES A REQUIREMENT FOR PUBLICATION  
OF CONTRACTS FOR GOODS AND SERVICES AND  
A LISTING OF CITY AND CITY UTILITY EXPENDITURES  
FOR GOODS AND SERVICES  
BY THE CITY OF FORT WAYNE, INDIANA**

Whereas, The Fort Wayne Common Council is the determinative fiscal body for the City of Fort Wayne; and,

Whereas, The public has an interest in accessing information regarding expenditures by the City of Fort Wayne, including information regarding compensation paid to employees; and,

Whereas, The simplest expression of the right of Fort Wayne citizen’ to access is “It’s their money,”

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

**SECTION 1.** There shall be added to Section 38 of the Fort Wayne Code of Ordinances a §38.05 as follows:

**§ 38.05 PUBLICATION OF CONTRACTS FOR GOODS AND SERVICES AND CITY EXPENDITURES**

(A) **Publication of City Expenditures.** The City shall publish via the internet on the City of Fort Wayne’s website a list of each and every expenditure paid by the City of Fort Wayne or any City of Fort Wayne owned or operated utilities in which either the City of Fort Wayne or any city owned or operated utility is the payor. The list of expenditures referenced herein shall be referred to as the “Registry of City Expenditures,” and shall include the payee, and the amount and date of the expenditure. Expenditures on employee salaries are not excluded from the Registry of City Expenditures but shall only be listed by position and not include a name or other personally identifiable information.

(C) The publication of information regarding the purchase of goods and services as required in Sub-Sections (A) and (B) of this Section 38.05 of the Fort Wayne Code of Ordinances shall be posted and updated with all available information on a monthly basis. Information required to be published shall remain posted via the internet for public viewing for a period of three (3) years following its initial publication after which time it may be removed from the internet publication.

(D) This Section 38.05 of the Fort Wayne Code of Ordinances shall not apply where publication of such information would be in violation of or is considered confidential under I.C. 5-14-3 *et seq.*, any other provision of the Indiana Code, or any provision in Federal law.

**SECTION 2.** That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

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

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Mitchell V. Harper, Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

#1216

BILL NO. G-10-08-08

Plat Record: 31  
Page No: 120-121

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

**AN ORDINANCE for the purpose of  
vacating a portion of a dedicated utility easement.**

WHEREAS, a petition to vacate a portion of a dedicated utility easement 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 portion of a dedicated utility and surface drainage easement within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

Part of Lot number 6 in Production Park, a Subdivision in the Southeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana, as recorded in Plat Record 31, pages 120-121, in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot number 6 in Production Park, a Subdivision in the Southeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana, as recorded in Plat Record 31, pages 120-121, in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 34 minutes 00 seconds West along the East line of Lot number 6 a distance of 90.0 feet; thence South 89 degrees 37 minutes 36 seconds West a distance of 14.0 feet; thence South 00 degrees 34 minutes 00 seconds East a distance of 90.0 feet to a point on the South line of Lot number 6; thence North 89 degrees 37 minutes 36 seconds East along the South line of Lot number 6 a distance of 14.0 feet to the point of beginning, containing 1,260 square feet.

and which vacating allows the portion of dedicated utility and surface drainage easement to revert to the use of the adjacent property owners, is hereby approved.

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:

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Carol T. Taylor, City Attorney

#1215

BILL NO. Z-10-08-07

**ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_**

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. J-58 (Sec. 3 of Washington Township)**

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

SECTION 1. That the area described as follows is hereby designated a CM3 (General Commercial)

District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Part of the Northwest Quarter of Section 3, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter, thence South 01 degrees 10 minutes 02 seconds East (recorded bearing and is utilized as the basis for all bearings relative to this description) along the East line of said Northwest Quarter, being within the right-of-way of State Road #3, 1661.87 feet to a point; thence South 90 degrees 00 minutes 00 seconds West, 61.88 feet to a point on the Westerly right-of-way line of said State Road #3, said point being the TRUE POINT OF BEGINNING of the real estate herein described; thence South 01 degrees 07 minutes 00 seconds East along said Westerly right-of-way line, 203.45 feet to a point; thence South 90 degrees 00 minutes 00 seconds West. 233.50 feet to a point; thence North 00 degrees 00 minutes 47 seconds West, 209.00 feet to a point; thence North 44 degrees 59 minutes 37 seconds East, 7.07 feet to a point; thence North 90 degrees 00 minutes 00 Seconds East, 213.99 feet to a point; thence South 45 degrees 00 minutes 00 seconds East, 14.98 feet to the True Point of Beginning, containing 1.135 acres (49,460.18 square feet) of land, more or less.

**and the symbols of the City of Fort Wayne Zoning Map No. J-58 (Sec. 3 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

#1217

BILL NO. Z-10-08-09

**ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_**

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map Nos. N-14 and O-14 (Sec. 36 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 an R1 (Single Family) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

Beginning at the intersection of the center line of St. Joseph Boulevard with the center line of Delaware Avenue; thence easterly along the center line of Delaware Avenue to a point situated on the center line of Delaware Avenue and a 10 foot alley situated between lot 12, block 27 and lot 11, block 27 of Forest Park Addition; thence north along the center line of said alley to a point situated on the center line of Forest Avenue; thence easterly along the centerline of Forest Avenue to a point situated on the center line of a 10 foot alley located between lot 15, block 31 and lot 14, block 31 of Forest Park Addition; thence north along the center line of said alley to a point situated on the center line of said alley and the extended north property line of lot 25, Block 31 of Forest Park Addition; thence west along the north property line of lot 25, block 31 of Forest Park Addition then continuing west along the north property line of lot 4, block 30 and lot 25, block 30 of Forest Park Addition and continuing west along the north property line of lot 4, block 29 and lot 25, block 29 of Forest Park Addition to a point situated on the center line of Kentucky Avenue; then south along the centerline of Kentucky Avenue to its intersection with the center line of Forest Avenue; thence west along the centerline of Forest Avenue to a point situated on the center line of Forest Avenue and the intersection of a 10 foot alley west of lot 135 of North Wildwood Addition; thence north along the centerline of the said alley to a point situated on the southern property line of lot 136 of North Wildwood Addition; thence west to a point situated on the east property line of lot 4 of Avel's Addition; thence north along the east property line of lot 4 of Avel's Addition to a point situated on the center line of State Boulevard; thence west along the center line of State Boulevard to its intersection with the center line of Parnell Avenue; thence south along the center line of Parnell Avenue to a point situated on the center line of a 10 foot alley between lot 1 of Dudenhoffer Addition and lot 4 of Chas H Hanna Addition; thence west along the center line of said alley to a point situated on the centerline of Pleasant Avenue; thence south along the center line of Pleasant Avenue to its intersection with the center line of North Side Drive; thence southeasterly along the centerline of North Side Drive to its intersection with the center line of St. Joseph Boulevard; thence south along the center line of St. Joseph Boulevard to its intersection with the center line of Delaware Avenue to the point of beginning, containing 53.228 acres, more or less.

**and the symbols of the City of Fort Wayne Zoning Map Nos. N-14 and O-14 (Sec. 36 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

AN ORDINANCE approving CONTRACT FOR SOLID WASTE COLLECTION between REPUBLIC SERVICES OF INDIANA, LP, D/B/A NATIONAL SERV-ALL 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 CONTRACT FOR SOLID WASTE COLLECTION by and between REPUBLIC SERVICES OF INDIANA, LP, D/B/A NATIONAL SERV-ALL 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 seven (7) year contract for Solid Waste Collection for the City of Fort Wayne, Indiana:

involving a total cost of SOLID WASTE COLLECTION: \$4.35 PER MONTH per Occupied Single-Family and Multi-Family Dwelling. Estimated total cost for Solid Waste Collection per year is FOUR MILLION, EIGHTY-THREE THOUSAND, NINE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS - (\$4,083,972.00). 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-10-08-20**

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

AN ORDINANCE approving CONTRACT FOR SOLID WASTE DISPOSAL between REPUBLIC SERVICES OF INDIANA, LP, D/B/A NATIONAL SERV-ALL 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 CONTRACT FOR SOLID WASTE DISPOSAL by and between REPUBLIC SERVICES OF INDIANA, LP, D/B/A NATIONAL SERV-ALL 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 seven (7) year contract for Solid Waste Disposal for the City of Fort Wayne, Indiana:

involving a total cost of SOLID WASTE DISPOSAL: \$24.70 PER TON. Estimated total cost for Solid Waste Disposal per year is TWO MILLION, FOUR HUNDRED TWENTY THOUSAND, SIX HUNDRED AND NO/100 DOLLARS - (\$2,420,600.00). 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-10-08-21**

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

AN ORDINANCE approving CONTRACT FOR RECYCLING COLLECTION between REPUBLIC SERVICES OF INDIANA, LP, D/B/A NATIONAL SERV-ALL 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 CONTRACT FOR RECYCLING COLLECTION by and between REPUBLIC SERVICES OF INDIANA, LP, D/B/A NATIONAL SERV-ALL 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 seven (7) year contract for Recycling Collection for the City of Fort Wayne, Indiana::

involving a total cost of RECYCLING COLLECTION: \$1.39 per Occupied Single-Family and Multi-Family Dwelling. Estimated total cost for Recycling Collection per year is ONE MILLION, THREE HUNDRED FOUR THOUSAND, NINE HUNDRED NINETY-TWO AND NO/100 DOLLARS - (\$1,304,992.00). 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**BILL NO. S-10-08-22**

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

AN ORDINANCE approving CONTRACT FOR RECYCLING PROCESSING between REPUBLIC SERVICES OF INDIANA, LP, D/B/A NATIONAL SERV-ALL 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 CONTRACT FOR RECYCLING PROCESSING by and between REPUBLIC SERVICES OF INDIANA, LP, D/B/A NATIONAL SERV-ALL 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 seven (7) year contract for Recycling Processing for the City of Fort Wayne, Indiana::

involving a total cost of RECYCLING PROCESSING: \$19.87 PER TON. Estimated total cost for Recycling Processing per year is ONE HUNDRED NINETY-EIGHT THOUSAND, EIGHT HUNDRED SIXTY AND NO/100 DOLLARS - (\$198,860.00). 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.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

