

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
AUGUST 9, 2011**

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**BILL NO. S-11-08-05**

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

AN ORDINANCE approving RESOLUTION 98-8-3-11-3 - THE STONE LAKE STORM WATER EASEMENT AGREEMENT between STONE LAKE DEVELOPMENT, LLC. and the City of Fort Wayne, Indiana, by and through the Fort Wayne Board of Storm Water Management

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL**

**OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** That the RESOLUTION 98-8-3-11-3 APPROVING THE STONE LAKE STORM WATER EASEMENT AGREEMENT by and between STONE LAKE DEVELOPMENT, LLC. and the City of Fort Wayne, Indiana, by and through the Fort Wayne Board of Storm Water Management, is hereby ratified, and affirmed and approved in all respects, respectfully for:

Easement Agreement allows City Utilities to use the Stone Lake as a detention basin for stormwater management. The Easement Agreement also also allows the City to route area storm water from the Stone Lake Watershd and surrounding residential developments through public storm sewers into Stone Lake, and to reduce the rate of flow of stormwater to the river. The Easement Agreement brings all parties into compliance with the law:

involving a total cost of ONE HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$175,000.00) - (\$150,000.00 TO BE PAID UPON APPROVAL AND \$25,000.00 BY THE END OF THE FIRST QUARTER OF 2012). A copy said Easement

Agreement 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

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Carol Helton, City Attorney

BILL NO. G-11-08-02

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

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

**WHEREAS**, the costs of collection, disposal, and processing of residential garbage and recycling are paid by contract wholly from the Solid Waste Fund; and

**WHEREAS**, the Solid Waste Fund is funded totally from the collection of garbage user fees on the monthly utility bills as well as from revenue received from the Recycle Processing Contract; and

**WHEREAS**, the contractual cost for the combined collection, disposal, and processing of garbage and recycling has decreased due to new contracts that went into effect January 1, 2011; and

**WHEREAS**, the Solid Waste Fund has a cash balance of \$3.6 million; and

**WHEREAS**, Common Council now finds the current garbage/recycle user fee of \$11.00 per month for a single family dwelling and \$22.00 per month for a residential building with two to four units can be lowered and still be sufficient to adequately fund the Solid Waste Fund.

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

**SECTION 1:** That **§50.09** Garbage User Fee. of the City of Fort Wayne, Indiana, is hereby amended as follows:

**§50.09 Garbage User Fee**

- (I) The monthly single-family residential household fee shall be \$9.95 per month, effective September 1, 2011.
- (J) The monthly multi-family two-to-four residential unit household fee shall be \$19.90 per month, effective September 1, 2011.

**SECTION 2.** That this Ordinance shall be in full force and effect from and after September 1, 2011, contingent upon its passage and any and all necessary approval by the Mayor and/or notice of publication.

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

**BILL NO. G-11-08-06**

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

**AN ORDINANCE ESTABLISHING THE  
SOLID WASTE AND RECYCLING FUND**

**WHEREAS**, the City of Fort Wayne believes that its responsibility to provide the best services at affordable prices to its citizens is paramount; and

**WHEREAS**, the City of Fort Wayne Code of Ordinances, Section 50.03, established the Solid Waste Fund which currently serves as a repository for clean-up costs and missed collection liquidated damage penalty fees that are to be used for collecting, disposing and recycling of solid waste; and

**WHEREAS**, the current recycling contract between the City of Fort Wayne and the recycling contractor now provides revenues from the share of profits derived solely from citizens' recycling efforts; and

**WHEREAS**, these revenues were anticipated in the formation of said contract such that they would be used to offset the solid waste disposal and recycling costs that are incurred, through this contract, to the citizens of Fort Wayne; and

**WHEREAS**, these recycling revenues currently are only deposited in the General Fund and are therefore available to be spent to offset other expenses or new projects, unrelated to the citizens' solid waste and recycling costs; and

**WHEREAS**, in order to segregate these funds in perpetuity a fund must be established into which they are deposited;

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

**SECTION 1.** Section 50.03 of the Code of Ordinances for the City of Fort Wayne

will be amended to create a Solid Waste and Recycling Fund for the purpose of collecting and holding revenues from clean up costs and missed collection liquidated damage penalty fees as well as the revenues received from the City's recycling contract.

**SECTION 2.** These revenues so deposited in the fund created hereunder, per Section 50.03 of the Fort Wayne Code of Ordinances shall be used solely for the purpose of accounting and paying for the costs of collecting, disposing and recycling of solid waste and as such should result in the reduction of the garbage and recycling user fees paid by the City of Fort Wayne residents.

**SECTION 3.** These revenues deposited in the fund created hereunder shall remain in the fund until each successive year-end and will then be used to pay for the cost of collecting, disposing, and recycling solid waste in the following year which should result in an offset or reduction of garbage/recycling user fees paid by the City of Fort Wayne residents. Revenues deposited to the fund created hereunder may be used for payment for the costs of collecting, disposing, and recycling of solid waste as contemplated hereunder without requiring further action by the Common Council.

**SECTION 4.** 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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Liz Brown, Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

BILL NO. G-11-08-08

General Ordinance No. G-\_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 99.140  
OF THE FORT WAYNE CODE OF ORDINANCES**

WHEREAS, the Emerald Ash Borer has caused extensive devastation to Fort Wayne's tree canopy;

WHEREAS, white ash has been listed in City Code as a permitted street tree variety;

WHEREAS, there are numerous trees determined to be appropriate for restoration of our City's glorious tree canopy;

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

**SECTION 1.** Chapter 99 of the Municipal Code of Ordinances is hereby amended to delete Section 99.140, Paragraphs (A) and (B) VARIETY OF TREES PERMITTED TO BE PLANTED ALONG STREETS, in its entirety and replaced with the following:

**§99.140 VARIETY OF TREES PERMITTED TO BE PLANTED ALONG STREETS.**

(A) The following varieties of trees may be planted along specified streets, namely: Norway maple, crimson king maple, summer shade maple, sugar maple, red maple, freeman maple, hackberry, American linden, little leaf linden, tulip poplar, paul scarlet thorn, red oak, pin oak, white oak, scarlet oak, swamp white oak, shingle oak, English oak, Heritage oak, Regal Prince oak, Chinquapin oak, European hornbeam, American hop hornbeam, Espresso Kentucky coffee tree, sweet gum, sunburst or imperial locust, ginkgo (male), Bloodgood London plane tree, Princeton American elm, Valley Forge American elm, New Harmony American elm, Japanese

Zelkova, sycamore and other trees as permitted by the Board of Park Commissioners ('74 Code § 30-5).

(B) The planting of trees other than those listed in §99.140(A) is prohibited along any street except by permission of the Board of Park Commissioners. ('74 Code, §30-6).

**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, but shall expire, unless action is taken to extend it, three (3) years after it becomes effective.

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Mitch Harper, Council Member

APPROVED AS TO FORM AND LEGALITY

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Joseph G. Bonahoom, City Council Attorney

#1250

BILL NO. Z-11-08-01

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

**AN ORDINANCE amending the City of Fort Wayne  
Zoning Map Nos. D-11 and D-07 (Sec. 18 of Wayne Township)**

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

SECTION 1. That the area described as follows is hereby designated an RP (Planned Residential)

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

Part of the Northwest Quarter and Southwest Quarter of Section 18, Township 30 North, Range 12 East of the Second Principal Meridian, Wayne Township in Allen County, Indiana, part of the Northeast Quarter of Section 13, Township 30 North, Range 11 East of the Second Principal Meridian, Aboite Township in Allen County, Indiana and part of Lot Numbered 54 in Highland Garden Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at a 5/8" steel rebar found at the Southwest corner of said Northwest Quarter, said point also being the Northwest corner of said Lot Numbered 54; thence North 00 degrees 11 minutes 49 seconds East (assumed bearing and basis of bearings to follow), a distance of 79.16 feet (76.56 feet deed) along the West line of said Northwest Quarter to a 4" x 6" limestone marker at the Southeast corner of the Northeast Quarter of said Section 13; thence South 89 degrees 27 minutes 21 seconds West, a distance of 233.75 feet along the South line of said Northeast Quarter to the centerline of the Flaugh Ditch; thence North 00 degrees 11 minutes 49 seconds East, a distance of 66.27 feet along said centerline; thence North 49 degrees 59 minutes 25 seconds East, a distance of 306.09 feet along said centerline to a point on the West line of the Northwest Quarter of said Section 18; thence South 00 degrees 11 minutes 49 seconds West, a distance of 192.49 feet along said West line to a 5/8" steel rebar with "Karst" identification cap set; thence South 88 degrees 26 minutes 55 seconds East, a distance of 299.27 feet to a 5/8" steel rebar with "Karst" identification cap set; thence North 59 degrees 06 minutes 40 seconds East, a distance of 502.92 feet to a 5/8" steel rebar with "Karst" identification cap set on the West line of Lot Numbered 4 in Rousseau's Third Garden Addition; thence South 00 degrees 11 minutes 35 seconds West, a distance of 387.33 feet along said West line to a 5/8" steel rebar found at the Southwest corner of said Lot Numbered 4, also being on the South line of said Northwest Quarter; thence South 89 degrees 11 minutes 40 seconds West, a distance of 312.31 feet (312.45 feet deed) along said South line and the North line of said Lot Numbered 54 to a point, said point being referenced by a 1/2" steel rebar found 0.24 feet South; thence South 18 degrees 45 minutes 58 seconds East, a distance of 250.51 feet (250.24 feet deed)

to a Survey Marker Nail found on the centerline of South Bend Drive (formerly U.S. Highway #24); thence South 71 degrees 34 minutes 09 seconds West, a distance of 119.67 feet (119.0 feet deed) along said centerline to a Survey Marker Nail found; thence North 00 degrees 04 minutes 53 seconds West, a distance of 274.56 feet (274.6 feet deed) to a 1/2" steel rebar on the North line of said Lot Numbered 54 and the North line of said Southwest Quarter; thence South 89 degrees 11 minutes 40 seconds West, a distance of 384.37 feet (385.5 feet deed) along said North line and said South line to the Point of Beginning. Containing 4.882 Acres, more or less. Subject to the right-of-way of South Bend Drive, Flaugh Ditch and subject to easements of record. (Description is excerpted from R. K. Karst Survey No. 09084164).

**and the symbols of the City of Fort Wayne Zoning Map Nos. D-11 and D-07 (Sec. 18 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.**

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Council Member

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Helton, City Attorney

**BILL NO. S-11-08-03**

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

AN ORDINANCE approving CONTRACT FOR THE WEST MAIN STREET LIGHTING UPGRADE between CITY LIGHTS AND SIGNALS, 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 THE WEST MAIN STREET LIGHTING UPGRADE by and between CITY LIGHTS AND SIGNALS, 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 installation of 48 decorative gaslight facsimile or "acorn" style LED street light fixtures on both sides of West Main Street from the St. Mary's River Bridge, west to the RR overpass/Leesburg Road intersection;

involving a total cost of TWO HUNDRED THIRTY-TWO THOUSAND, TWO HUNDRED EIGHTY-SEVEN AND 50/100 DOLLARS - (\$232,287.50). 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 Helton, City Attorney

**BILL NO. S-11-08-04**

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

**AN ORDINANCE** approving the awarding of ITB #3410 - PURCHASE OF ONE (1) 3.0 CY WHEEL LOADER by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and MACDONALD MACHINERY for the FORT WAYNE STREET DEPARTMENT.

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

**SECTION 1.** That ITB #3410 - PURCHASE OF ONE (1) 3.0 CY WHEEL LOADER between the City of Fort Wayne, by and through its Department of Purchasing and MACDONALD MACHINERY for the FORT WAYNE STREET DEPARTMENT, respectfully for:

purchase of one (1) CY Wheel Loader for the Fort Wayne Street Department; involving a total cost of ONE HUNDRED NINE THOUSAND, SEVEN HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS - (\$109,775.00) all as more particularly set forth in said ITB #3410 - PURCHASE OF ONE (1) 3.0 CY WHEEL LOADER 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 Helton, City Attorney



