

**ORDINANCES AND RESOLUTIONS
UP FOR INTRODUCTION
AUGUST 23, 2011**

BILL NO. S-11-08-32

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving CONTRACT FOR HAZELETT/ROTHMAN SEPTIC ELIMINATION - RES. #2314-2010, W.O. #75288 between KURTZ EXCAVATING, 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 HAZELETT/ROTHMAN SEPTIC ELIMINATION - RES. #2314-2010, W.O. #75288 by and between KURTZ EXCAVATING, 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 Hazelett/Rothman Septic Elimination - Installation of 4388 LF of 8" PVC gravity open cut sewers and 1187 LF of 2" HPDE directional drill low pressure sewers along with 10 homes on grinder pumps outside of the right of way:

involving a total cost of FOUR HUNDRED EIGHTY-TWO THOUSAND, EIGHT HUNDRED THIRTY EIGHT AND 60/100 DOLLARS - (\$482,838.60). 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 Helton, City Attorney

BILL NO. S-11-08-33

SPECIAL ORDINANCE NO.

**AN ORDINANCE AMENDING THE 2011 PUBLIC
SAFETY SALARY ORDINANCE**

WHEREAS, the 2011 Public Safety Salary Ordinance includes a department referenced as Communications and Information Services;

WHEREAS, an Interlocal Cooperation Agreement was entered into on February 19, 2010 by and between the Board of Commissioners of the County of Allen, Indiana and the Mayor of the City of Fort Wayne, Indiana to combine all communications services currently provided by the County and the City 911 centers into a joint department of communications; and,

WHEREAS, the Consolidated Communications Partnership of Allen County, Indiana and the City of Fort Wayne ("CCP") was created to provide for centralized communications services for certain County governmental offices, certain City governmental offices, and such other governmental and emergency communications; and,

WHEREAS, the "CCP" has chosen the City of Fort Wayne benefits package and will be paid through the City of Fort Wayne financial system; and,

WHEREAS, the City Controller, as the fiscal officer of the CCP, shall have the duty and responsibility to receive, disburse and account for all monies of the CCP, in accordance with procedures adopted by the City for the receipt and payment of vouchers or claims; and,

WHEREAS, the 2011 Public Safety Salary Ordinance needs to be amended by removing the Communications and Information Services department and adding the "CCP"

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

3 **SECTION 1.** The 2011 Public Safety Salary Ordinance will be
4 amended by deleting:

5 Communications and Information Services

6 COMOT	ADMINISTRATIVE ASSISTANT
7 PAT	DIRECTOR OF COMM & INFO SVCS
8 POLE	DISPATCHER
9 POLE	DISPATCHER SUPERVISOR
10 POLE	OPERATIONS SUPERVISOR
11 POLE	TRAINING SUPERVISOR

12 and adding:

13 Consolidated Communication Partnership

14 COMOT	ADMINISTRATIVE ASSISTANT
15 EXE	EXECUTIVE DIRECTOR
16 POLE	DEPUTY DIRECTOR
17 POLE	SERGEANT CORPORAL,
18 POLE	TRAINING
19 POLE	CORPORAL, IDACSINCIS
20 POLE	DISPATCHER

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

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton City Attorney
Carol Helton, City Attorney *by CES*

DECLARATORY RESOLUTION NO. R-_____

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 2704-2720 Goshen Road,
Fort Wayne, Indiana 46808 (RMD Resources, LLC for
Gerig-Ottenweller Company, LLC)**

WHEREAS, Petitioner has duly filed its petition dated August 10, 2011 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 one full-time, permanent jobs for a total new, annual payroll of \$139,000, with the average new annual job salary being \$139,000 and retain 11 full-time and two part-time, permanent jobs for a total current annual payroll of \$1,369,000, with the average current, annual job salary being \$105,308; and

WHEREAS, the total estimated project cost is \$818,337; 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 a deduction of the assessed value of real estate.

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, 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.

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 \$3.0977/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0977/\$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 \$3.0977/\$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.

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 Helton, City Attorney

CONFIRMING RESOLUTION NO. R-_____

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as Unassigned, West
Jefferson Boulevard, Fort Wayne, Indiana 46804 (Patel
Building Company, LLC for Fort Wayne Allergy and
Asthma Consultants, 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 one full-time, permanent jobs for a total additional payroll of \$139,000, with the average new annual job salary being \$139,000 and retain 11 full-time and two part-time, permanent jobs for a current annual payroll of \$1,369,000, with the average current annual job salary being \$105,308; and

WHEREAS, the total estimated project cost is \$818,337; and

WHEREAS, a recommendation has been received from the Committee on Finance; 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.

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, 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.

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 \$3.0977/\$100.
- (b) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.0977/\$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 \$3.0977/\$100 (the change would be negligible).

SECTION 6. 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.

SECTION 7. 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 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 with 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 9. The performance report must contain the following information

- A. The cost and description of real property improvements.
- 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 property deductions.
- F. The tax savings resulting from the real property being abated.

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

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

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6707 Gabion Way, Fort Wayne, Indiana 46818 (Artek, Inc./Dammeyer, LLC)

WHEREAS, Petitioner has duly filed its petition dated August 10, 2011 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 two full-time, permanent jobs for a total new, annual payroll of \$44,000, with the average new annual job salary being \$22,000 and retain 44 full-time and two part-time, permanent jobs for a total current annual payroll of \$1,647,800, with the average current, annual job salary being \$35,822; and

WHEREAS, the total estimated project cost is \$400,000; and

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

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

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

SECTION 2. That, upon adoption of the Resolution:

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

SECTION 3. That, said designation of the hereinabove described property as an “Economic Revitalization Area” shall apply to both a deduction of the assessed value of real estate and personal property for new manufacturing, 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 manufacturing equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of new manufacturing, 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 \$3.0384/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0384/\$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 \$3.0384/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.0384/\$100.

- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (g) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$3.0384/\$100.
- (h) 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 \$3.0384/\$100 (the change would be negligible).
- (i) 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 \$3.0384/\$100 (the change would be negligible).
- (j) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0384/\$100.
- (k) 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 \$3.0384/\$100 (the change would be negligible).
- (l) 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 \$3.0384/\$100 (the change would be negligible).

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

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

A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6707 Gabion Way, Fort Wayne, Indiana 46818 (Artek, Inc./Dammeyer, LLC)

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 two full-time, permanent jobs for a total additional annual payroll of \$44,000, with the average new annual job salary being \$22,000 and retain 44 full-time and two part-time, permanent jobs for a current annual payroll of \$1,647,800, with the average current annual job salary being \$35,822; and

WHEREAS, the total estimated project cost is \$400,000; and

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

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

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

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

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

SECTION 3. That, said designation of the hereinabove described property as an

“Economic Revitalization Area” shall apply to a deduction of the assessed value of real estate and personal property for new manufacturing, 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 manufacturing equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing, 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 \$3.0384/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0384/\$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 \$3.0384/\$100 (the change would be negligible).
- (d) If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.0384/\$100.
- (e) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (f) If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (g) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$3.0384/\$100.

- (h) 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 \$3.0384/\$100 (the change would be negligible).
- (i) 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 \$3.0384/\$100 (the change would be negligible).
- (j) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0384/\$100.
- (k) 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 \$3.0384/\$100 (the change would be negligible).
- (l) 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 \$3.0384/\$100 (the change would be negligible).

SECTION 6. That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the real property shall be for a period of ten years, and that the deduction from the assessed value of the new manufacturing, 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 manufacturing, 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 manufacturing, logistical distribution and information technology equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.
- F. The tax savings resulting from the real and/or personal property being abated.

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

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

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 8200 Block of South
Hanna Street, Fort Wayne, Indiana 46816 (Merak
Partners for Greenway Meadows, LP)**

WHEREAS, Petitioner has duly filed its petition dated August 2, 2011 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 two part-time, permanent jobs for a total new, annual payroll of \$36,192, with the average new annual job salary being \$18,096; and

WHEREAS, the total estimated project cost is \$5,928,000; 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:

(d) Said Resolution shall be filed with the Allen County Assessor;

- (e) 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”;
- (f) 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 a deduction of the assessed value of real estate.

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, 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.

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

- (d) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (e) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (f) 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 \$3.1590/\$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.

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 Helton, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 8200 Block of South
Hanna Street, Fort Wayne, Indiana 46816 (Merak
Partners for Greenway Meadows, LP)**

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 two full-time, permanent jobs for a total additional payroll of \$36,192, with the average new annual job salary being \$18,096; and

WHEREAS, the total estimated project cost is \$5,928,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; 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.

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, 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.

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

- (d) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (e) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (f) 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 \$3.1590/\$100 (the change would be negligible).

SECTION 6. 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.

SECTION 7. 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 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 with 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 9. The performance report must contain the following information

- G. The cost and description of real property improvements.
- H. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- I. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- J. The total number of employees employed at the facility receiving the deduction.
- K. The total assessed value of the real property deductions.
- L. The tax savings resulting from the real property being abated.

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

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

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 1825 Laverne Avenue,
Fort Wayne, Indiana 46805 (G&L Land Development,
LLC for Ryker Reserve, LP)**

WHEREAS, Petitioner has duly filed its petition dated August 2, 2011 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 two part-time, permanent jobs for a total new, annual payroll of \$38,272, with the average new annual job salary being \$19,136; and

WHEREAS, the total estimated project cost is \$7,028,921; 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:

(g) Said Resolution shall be filed with the Allen County Assessor;

- (h) 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”;
- (i) 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 a deduction of the assessed value of real estate.

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, 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.

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

- (g) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.0527/\$100.
- (h) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0527/\$100 (the change would be negligible).
- (i) 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 \$3.0527/\$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.

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 Helton, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 1825 Laverne Avenue,
Fort Wayne, Indiana 46805 (G&L Land Development,
LLC for Ryker Reserve, LP)**

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 two part-time, permanent jobs for a total additional payroll of \$38,272, with the average new annual job salary being \$19,136; and

WHEREAS, the total estimated project cost is \$7,028,921; and

WHEREAS, a recommendation has been received from the Committee on Finance; 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.

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, 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.

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

- (g) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.0527/\$100.
- (h) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.0527/\$100 (the change would be negligible).
- (i) 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 \$3.0527/\$100 (the change would be negligible).

SECTION 6. 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.

SECTION 7. 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 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 with 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 9. The performance report must contain the following information

- M. The cost and description of real property improvements.
- N. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- O. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- P. The total number of employees employed at the facility receiving the deduction.
- Q. The total assessed value of the real property deductions.
- R. The tax savings resulting from the real property being abated.

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

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

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

DECLARATORY RESOLUTION NO. R-_____

A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 2704-2720 Goshen Road, Fort Wayne, Indiana 46808 (RMD Resources, LLC for Gerig-Ottenweller Contracting, LLC)

WHEREAS, Petitioner has duly filed its petition dated August 1, 2011 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 eight full-time and one part-time, permanent jobs for a total new, annual payroll of \$415,000, with the average new annual job salary being \$46,111 and retain 13 full-time and one part-time, permanent jobs for a total current annual payroll of \$662,000, with the average current, annual job salary being \$47,286; and

WHEREAS, the total estimated project cost is \$650,000; 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:

- (j) Said Resolution shall be filed with the Allen County Assessor;
- (k) 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”;
- (l) 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 a deduction of the assessed value of an eligible vacant building and a deduction of the assessed value of real estate improvements.

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 the reoccupation of the eligible vacant building and the value of the redevelopment or rehabilitation of the eligible vacant building, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described reoccupation and redevelopment or rehabilitation.

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

- (j) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be \$3.0384/\$100.
- (k) If the proposed occupation of the eligible vacant building does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (l) If the proposed occupation of the eligible vacant building occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).

- (m) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.0384/\$100.
- (n) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (o) 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 \$3.0384/\$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 eligible vacant building shall be for a period of one year and the deduction from the assessed value of the real property improvements shall be for a period of ten years.

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

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

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

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

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

**A CONFIRMING RESOLUTION designating an
“Economic Revitalization Area” under I.C. 6-1.1-12.1 for
property commonly known as 2704-2720 Goshen Road,
Fort Wayne, Indiana 46808 (RMD Resources, LLC for
Gerig-Ottenweller Company, LLC)**

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 eight full-time and one part-time, permanent jobs for a total additional payroll of \$415,000, with the average new annual job salary being \$46,111 and retain 13 full-time and one part-time, permanent jobs for a current annual payroll of \$662,000, with the average current annual job salary being \$47,286; and

WHEREAS, the total estimated project cost is \$650,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; 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 an eligible vacant building and a deduction of the assessed value of real estate improvements.

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 the occupation of the eligible vacant building and the value of the redevelopment or rehabilitation of the eligible vacant building, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described occupation and redevelopment or rehabilitation.

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

- (j) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be \$3.0384/\$100.
- (k) If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (l) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (m) If the proposed development does not occur, the approximate current year tax rates for this site would be \$3.0384/\$100.
- (n) If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.0384/\$100 (the change would be negligible).
- (o) 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 \$3.0384/\$100 (the change would be negligible).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction

from the assessed value of the eligible vacant building shall be for a period of one year and the deduction from the assessed value of real property improvements shall be for a period of ten years.

SECTION 7. 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 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 with 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 9. The performance report must contain the following information

- S. The cost and description of real property improvements.
- T. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- U. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- V. The total number of employees employed at the facility receiving the deduction.
- W. The total assessed value of the real property deductions.
- X. The tax savings resulting from the real property being abated.

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

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as determined by the county auditor in accordance with

section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

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

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

General Ordinance No.

**AN ORDINANCE OF THE COMMON COUNCIL AMENDING
CHAPTER 116, TAXICABS, OF THE FORT WAYNE
CODE OF ORDINANCES**

Whereas, the City of Fort Wayne, through its Board of Safety and its Weights and Measures Department, regulates the use of public transportation in the form of taxis for hire;

Whereas the amending of the Taxi Ordinance last year has resulted in more interest by entrepreneurs anxious to start their own business;

Whereas the existing regulations are an impediment to allowing these entrepreneurs to enter the taxi for hire service;

Whereas expansion of taxi for hire service can only benefit both the citizens and visitors to Fort Wayne by offering alternative transportation.

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

SECTION 1. That Chapter 116.20 of the Fort Wayne Code of Ordinances: “APPLICATIONS FOR PERMIT; PROOF OF COMPLIANCE WITH MINIMUM STANDARDS” **SHALL BE AMENDED to delete Subsection (A)(9) of Section 116.20 in its entirety which currently reads:**

Subsection (A)(9) The trade name under which the business will operate, the telephone number which will be used by customers to contact the business for service and the color scheme of the vehicle the applicant intends to operate.

and replace it with the following:

Subsection (A)(9) The trade name under which the business will operate and the telephone number which will be used by customers to contact the business for service.

SECTION 2. That Chapter 116.41 of the Fort Wayne Code of Ordinances: “LICENSE APPLICATION PROCEDURE” **SHALL BE AMENDED to delete Subsection (B) of Section 116.41 in its entirety which currently reads:**

(B) The number of a valid state chauffeur or commercial driver’s license issued to the applicant, and date of license expiration;

and replace it with the following:

(B) The number of a valid state public passenger chauffeur or commercial driver’s license issued to the applicant, and date of license expiration;

SECTION 3. That Chapter 116.73 of the Fort Wayne Code of Ordinances: “REQUIRED EQUIPMENT AND CONDITION OF TAXICAB” **SHALL BE AMENDED to delete Subsection (B) of Section 116.73 in its entirety which currently reads:**

(B) Color. Each taxicab of any permittee shall be of a distinctive color scheme and no vehicle covered by the terms of this chapter shall be operated whose color scheme, identifying design, monogram, or insignia to be used therein shall, in the opinion of the Board of Public Safety, conflict with or imitate any color scheme, design, monogram or insignia used on or in any vehicle(s) operating under another taxicab permit of the city, or pursuant to any other such law or statute, in such manner as to be misleading or intended to deceive or defraud the public.

and replace it with the following:

(B) Color. No vehicle covered by the terms of this chapter shall be operated whose identifying name, monogram, or insignia to be used therein shall, in the opinion of the Board of Public Safety, conflict with or imitate any name, monogram or insignia used on or in any vehicles(s) operating under another taxicab permit of the city, or pursuant to any other such law or statute, in such manner as to be misleading or intended to deceive or defraud the public.

SECTION 4. That the City is directed to take all action necessary and proper for the implementation of this Ordinance.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Liz Brown, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

AN ORDINANCE AMENDING SECTION 32.58,
DISPOSITION WITHIN COUNCIL AND COMMITTEE,
OF THE FORT CODE OF ORDINANCES

WHEREAS, under the current ordinance and introduction and disposition process, an ordinance or resolution could be properly introduced and if never withdrawn, defeated, or passed, would still be eligible for discussion years or even decades subsequent to introduction; and

WHEREAS, the Fort Wayne Common Council is always considered in session and therefore there is no automatic end to a session which in and of itself would likely result in ordinances and resolutions not otherwise acted upon to be considered withdrawn; and

WHEREAS, with most of the legislative bodies Bills, resolutions, and the like expire either at the end of a calendar term, the close of legislative body's session or the end of a term of office after a superseding election; and

WHEREAS, the City of Fort Wayne has no procedure that causes a resolution or ordinance to expire as a result of the passage of any timeframe, and therefore the resolutions once introduced remain eligible so long as there is no final disposition such as passage, withdrawal, or defeating of the bill;

WHEREAS, this causes practical concerns for staff and members of Council in that ordinances introduced become stale and otherwise generally cumbersome from a recordkeeping standpoint; and

WHEREAS, in light of all these facts there should exist an automatic cutoff or expiration after which an ordinance or resolution which has been introduced, is not eligible for further action without being appropriately reintroduced.

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

SECTION 1. That Section 32.58 of the Fort Wayne Code of Ordinances: "DISPOSITION WITHIN COUNCIL AND COMMITTEE" shall be amended to add Section (F) as follows:

§ 32.58 DISPOSITION WITHIN COUNCIL AND COMMITTEE

(F) Once properly introduced, no proposed ordinance or proposed resolution shall be eligible for further action after the last day of the calendar year following the year of introduction. Any such ordinance or resolution which has not been finally disposed of by the last day of the calendar year following the year of introduction will expire and be considered withdrawn.

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.

Mitch V. Harper, Council Member

APPROVED AS TO FORM AND LEGALITY

=====
Joseph G. Bonahoom, Attorney for City Council

**AN ORDINANCE APPROVING THE USE OF THE
“QUALIFIED BASED SELECTION” PROCESS FOR
PROCUREMENT OF PROFESSIONAL SERVICES.**

WHEREAS, under Indiana law, the City of Fort Wayne, Indiana (“the City”) may make contracts for professional services on the basis of competence and qualifications for the type of services to be performed and negotiate compensation that the City determines to be reasonable;

WHEREAS, competitive bidding for professional services does not evaluate the qualifications of a professional service provider to determine the best qualified candidate for public projects;

WHEREAS, choosing the best qualified professional services at a fair and reasonable cost is an investment in quality which will result in substantial savings or best value over the life-cycle of the project; and

WHEREAS, the Qualifications Based Selection process as set forth herein is a fair and rational procedure that facilitates the selection of professional services on the basis of qualifications and competence in relation to the scope and needs of a particular project at a fair and reasonable cost.

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

SECTION 1. DEFINITIONS.

The definitions in this Section apply throughout this Ordinance:

- (A) "Accountant services" means any professional service involving licensed accountants as defined in Indiana Code 25-2.1-3.
- (B) "Architectural services" means any professional service involved in the practice of architecture as defined in Indiana Code 25-4-1-17 and includes "architect" or "architecture";
- (C) "Attorney services" means any professional service involved or associated with the licensed practice of law as defined in the Indiana Rules for Admission to the Bar and the Discipline of Attorneys;
- (D) "Engineering services" means any professional service as defined in Indiana Code 25-31-1-2 and includes "engineer" and "engineering";
- (E) "Surveying services" means any professional service as defined in Indiana Code 25-21.5 and includes "surveyor" and "surveying";
- (E) "Emergency" means any relevant threat to public health, welfare or safety which requires immediate response from the City;
- (F) "Firm" means any individual, firm, partnership, corporation, consultants or other legal entity permitted by law to practice the profession of accounting, architecture, engineering or law and provide the services defined in subsections (A) through (E) of this section;
- (G) "On-Call" means those services that are routine in nature that may be pre-positioned through pre-qualification and easily accessed by City;
- (H) "Professional Services" means any and all Accounting, Architectural, Attorney, Surveying and Engineering services that may be procured by the City;
- (I) "Project" means any capital improvement project, study, plan, survey, or new or existing program activity of the City that requires architectural or engineering services;
- (J) "Statement of Qualification" means documents that state a Firm's key personnel, relevant experience, summary of approach and understanding, Fort Wayne experience, office location, green/sustainable design, and any other documents that present a Firm's qualifications and performance data; and
- (K) "City Selection Committee" means the committee comprised of employees of the City with experience relevant to a Project.

(L) "Qualifications Based Selection" means the sum of the process described in this Ordinance.

SECTION 2. EFFECT OF ADOPTION -- STATEMENTS OF QUALIFICATIONS.

(A) The City Selection Committee shall use a Qualifications Based Selections process for the selection of Professional Services if:

- (1) That process satisfies a condition of receiving federal grant funds;
 - (2) If the estimated cost of Professional Services is greater than \$50,000; or
- (3) Neither a request for proposal nor an invitation for competitive bids , as set forth in the Indiana Code, is used to procure the Professional Services.

(B) If the regulations of a federal department or agency require a procurement process that is different from the Qualifications Based Selections process as described herein, in order that financial aid can be granted, then the City's procurement of Professional Services is exempt from the requirements of this Ordinance.

(C) In the event of an Emergency, the City's procurement of Professional Services is exempt from the requirements of this Ordinance.

SECTION 3. PROCEDURES FOR PROPOSED PROJECT REQUIRING PROFESSIONAL SERVICES.

(A) When a Project requiring Professional Services is proposed by the City, the City Selection Committee shall:

- (1) Transmit a request for Statements of Qualifications to Firms which appear on the City's vendor list; or
- (2) Give adequate public notice of the proposed Project, which may include posting on the City's website, a 3rd party Internet site used by the City, or in a newspaper advertisement, requesting Firms to submit a Statement of Qualifications for the proposed Project.

(B) The City Selection Committee may establish a list of pre-qualified Firms on an annual basis to use on an On-Call basis or for Projects that do not meet the requirements of Section 2 (A).

SECTION 4. CRITERIA FOR EVALUATION OF INTERESTED FIRMS.

(A) The City Selection Committee shall individually evaluate those Firms submitting Statements of Qualifications for a proposed Project according to the following criteria:

- (1) Key personnel;
- (2) Relevant experience;
- (3) Summary of approach and understanding of Project;
- (4) Fort Wayne experience;
- (5) Office location;
- (6) Sustainability;
- (7) References; and

(8) Any other criteria that the City Selection Committee may request by specifying them in a request for Statements of Qualifications .

(B) The City Selection Committee shall compile the Statements of Qualifications submitted for a proposed Project and determine an initial ranking of most qualified Firms by reference to the selection criteria identified in Section 4(A).

(C) The City Selection Committee may then conduct discussions, check references and require interviews with Firms deemed to be the most qualified according to Section 4(B). Information regarding the cost of Professional Services for the proposed Project shall not be a factor in the evaluation of Firms until negotiations are begun in accordance with Section 6.

(D) The City Selection Committee shall select, on the basis of the evaluations completed in subsections (A), (B) and (C) of this section, at least three (3) Firms that are judged to be the most qualified and rank them accordingly. If fewer than three (3) Firms are judged to be qualified, then those Firms that remain shall be ranked in like manner.

SECTION 5. ON-CALL SERVICES

(A) Projects requiring routine services previously identified will be sent to the pre-qualified list of Firms proposing to provide Professional Services for proposed Projects.

(B) Firms shall then be ranked again in accordance with the process in Section 4 with negotiations to follow with the highest-ranked firm in accordance with Section 6.

SECTION 6. NEGOTIATION OF CONTRACT.

(A) Based on the rankings developed in Section 4(D), the City Selection Committee shall contact the highest-ranked Firm and attempt to negotiate Professional Services contract for a fair and reasonable value that takes the following into account:

- (a) The estimated value of the services needed;
- (b) The scope and complexity of the proposed Project;
- (c) The business risk anticipated;
- (d) The professional nature of the services required;
- (e) Any other criteria that the City Selection Committee deems relevant.

(B) If the City Selection Committee is unable to negotiate a satisfactory contract with the highest-ranked Firm, negotiations with that Firm shall be terminated. The City Selection Committee shall then negotiate with the next Firm in the rankings, continuing this procedure until an agreement is reached or the list of ranked Firms is exhausted.

(C) If negotiations with all of the ranked Firms fail to result in a satisfactory contract, the City Selection Committee shall reevaluate the Professional Services involved in the proposed Project and proceed to comply with Section 4 and Section 6 until a contract is successfully negotiated.

(D) On-Call Professional Services will be obtained using the same negotiation process with a pre-qualified group of Firms.

(E) The City shall at all times retain the right to terminate negotiations and/or to cancel the procurement of Professional Services.

(F) No Firm shall be deemed to have been conferred by the City an interest in a contract or arrangement for the provision of Professional Services by participating in the processes provided in this Ordinance.

SECTION 7. That this Ordinance shall be in full force and effect from October 1, 2011 and after its passage and any and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

General Ordinance No. G-_____

**AN ORDINANCE AMENDING CHAPTER 37 OF
THE FORT WAYNE CODE OF ORDINANCES
CONCERNING ADMINISTRATION AND AWARDED OF
MUNICIPAL CONTRACTS**

Whereas, the Common Council of Fort Wayne has determined that there is a need to address public concerns in order to maintain public confidence in the integrity of decisions in awarding government contracts and as such it is in the public's interest to take formal action to insulate these decisions from the political influence of campaign contributions to or for the benefit of the affected decision-makers;

Whereas, there appears to be at least the public perception that individuals and businesses influence the award of City government contracts as a result of contributions made to political candidates, campaigns, and/or other elected officials who are the decision makers with regard to government contracts, and that obtaining said contracts without making such contributions is difficult.

Whereas, the Common Council desires to be a leader in Indiana by establishing higher standards in local government;

Whereas, if a contribution is made for the purpose of influencing the selection of a contract, the contributor is seeking to interfere with the merit-based selection process and the contribution creates a conflict of interest between the contributor (whose interest is in being selected) and its prospective client (whose interest is in obtaining the best possible services);

Whereas, contracts for municipal services not awarded purely on merit-based selection may potentially lead to inferior management and performance;

Whereas, ethical contractors seeking to avoid the perception of participating in pay to play practices may refrain from seeking to do business with the City and this may lessen the pool of qualified contractors willing to do business with the City;

Whereas, such pay to play practices as may exist may lead to the City paying higher fees because the contractor must recoup contributions, or because contract negotiations may not occur on an arm's length basis;

Whereas, such pay to play practices as may exist will not stop through voluntary effort because governmental officials who participate may have an incentive to continue to accept contributions for fear of being disadvantaged relative to opponents;

Whereas, this ordinance provides a specific prohibition to ensure that contract selection is based on the merits, not on the amount of money given to a particular candidate for office, while respecting the right of industry participants to participate in the political process;

Whereas, the ordinance takes the form of a restriction on providing compensated services following the making of contributions rather than a prohibition on making contributions in excess of the relevant ceilings;

Whereas, the ordinance is not a restriction on contributions that is applicable to the public but, rather, it is focused exclusively on conduct of those seeking profitable business from governmental agencies;

Whereas, the ordinance is targeted at those whose contributions raise the greatest danger of quid pro quo exchanges and it covers only contributions to those governmental officials who may be the most likely targets of pay to play arrangements because of their authority to influence the award of business;

Whereas, municipalities have the right to establish rules and procedures for contracting with business entities provided such rules and procedures are not otherwise preempted by State and Federal Law; and

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT CHAPTER 37 OF THE MUNICIPAL CODE OF ORDINANCES IS HEREBY AMENDED TO ESTABLISH REGULATIONS EFFECTING THE AWARD OF CONTRACTS FOR THE MATERIALS, GOODS, SUPPLIES, EQUIPMENT AND SERVICES AS

FOLLOWS:

SECTION 1. Chapter 37 of the Municipal Code of Ordinances is hereby amended to add Section 37.22 as follows:

§ 37.22 PROHIBITION OF AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

(A) Any other provision of law to the contrary notwithstanding, the City or any of its departments or agencies or independent authorities, as the case may be, shall not enter into an agreement or otherwise contract with any **business entity** for materials, supplies, equipment, goods or contractual services or any other consulting services, including contracts and agreements awarded, if within one calendar year immediately preceding the date of the contract or agreement that **business entity** has made any contribution of money, or pledge of a contribution, including an in-kind contribution, in excess of the amounts specified in subsection (D), to any City of Fort Wayne candidate for or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any City or Allen County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties.

(B) No **business entity** which enters into negotiations for or agrees to any contract or agreement with the City of Fort Wayne or any of its departments or agencies or independent authorities for the rendition of materials, supplies, goods, equipment or contractual services or any other consulting services, shall make any

contribution of money, or pledge of a contribution including an in-kind contribution in excess of the amounts specified in subsection (D), to any Fort Wayne municipal candidate for or holder of the public office having ultimate responsibility for the award of the contract, or campaign committee supporting such candidate or officeholder, or to any City or Allen County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties, between the time of first communications between that **business entity** and the City of Fort Wayne regarding a specific contract or agreement and the later of the termination of negotiations or the completion of the contract or agreement.

(C) For purposes of this ordinance, a **business entity** means and includes any natural or legal person providing or offering to provide materials, supplies, goods, equipment, or professional services or other consulting services. A natural or legal person includes an individual, firm, proprietorship, corporation, limited liability company, professional corporation, partnership, or any other organization or association. The definition of **business entity** includes in the aggregate all officers of the **business entity**, all partners in the **business entity**, all principals of the **business entity** who have any ownership interest or distributive share of seven and one half percent (7.5 %) or more of the **business entity**, and all subsidiaries directly controlled by the **business entity**. An individual included in the definition of **business entity** shall also include the individual's spouse, if any, and any child living in the same household as the individual or spouse.

(D) A **business entity** may in any calendar year contribute, without violating subsections (A & B) of this section, a maximum of \$350 each for any purpose to any candidate for mayor or council, or \$350 each to any City party committee, or \$350 each to any Allen County party committee or PAC referenced in this ordinance. However, any individual or **business entity** or group of individuals or business entities constituting a **business entity** under this section, including in the aggregate all covered principals, partners, officers and subsidiaries of the **business entity**, may not in any calendar year contribute more than \$700 to all Municipal candidates and officeholders with ultimate responsibility for the award of the contract and all Municipal and Allen County party committees and all covered PACs combined.

(E) For purposes of this section, the office or offices considered to have ultimate responsibility for the award of a contract shall be the Mayor, the Common Council and any elected officer of the Council.

(F) **Contributions Made Prior to the Effective Date.** Any contract or agreement entered into before the effective date of this ordinance shall not be affected, governed by or in any way in violation of this ordinance. Further, no contribution of money or other thing of value, including in kind contributions, shall be deemed a violation of this ordinance if that contribution was made by the **business entity** prior to the effective date of this ordinance. Notwithstanding the foregoing, any business entity which is a party to a contract with the City of Fort Wayne, or any of its departments, agencies, or independent authorities prior to the effective date of this ordinance which contract remains in existence subsequent to the effective date of this ordinance, shall be subject to subsection (B) of this ordinance as to any contributions made after the effective date of the ordinance, and prior to the termination or completion of the contract.

(G) **Contribution Statement by Business Entity.**

Prior to entering into any contract or agreement with a **business entity** to procure its contractual services, goods, materials, equipment, supplies, , the City or its departments, agencies or independent authorities, as appropriate, shall obtain from the **business entity** a sworn statement made under penalty of perjury that the "**business entity**," including in the aggregate all covered principals, partners, officers and subsidiaries, has not made a contribution in violation of this ordinance. The effectiveness of any award of a contract or agreement covered by this ordinance shall be conditioned upon satisfactory compliance with this requirement.

(H) **Return of Excess Contributions.** A "**business entity**," candidate, officeholder, candidate committee, party committee or PAC may cure a violation of this ordinance if, within 30 days after the prohibited contribution, the Common Council is notified of the violation in writing and the prohibited contribution is returned to the "**business entity**."

(I) **Other Prohibited Conduct; Penalty.**

(1) It shall be a violation of this ordinance to: (i) make a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make any contribution on the condition or with the agreement that it will be contributed to a candidate or campaign committee of any candidate for Fort Wayne office or any holder of Fort Wayne office; (v) engage or employ a lobbyist or consultant with the intent or understanding that

such lobbyist or consultant will make any contribution, which if made by the **business entity** itself would subject the **business entity** to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members and employees; (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii), directly or indirectly, through or by any other person or means, do any act which would subject the **business entity** to the restrictions of this ordinance.

(2) All professional services agreements and other contracts for covered services between a **business entity** and the City of Fort Wayne or its departments, agencies or independent authorities, as appropriate, shall provide by operation of law that it shall be a material breach of the agreement for the **business entity** to engage in conduct prohibited by this ordinance.

(3) Any **business entity** which violates this ordinance also shall be disqualified from eligibility for future Municipal contracts for a period of four calendar years from the date of the violation.

J. **Excluded Contracts or Agreements.**

Notwithstanding any provision to the contrary contained in this Ordinance, the provisions contained herein shall not be applicable to any agreement or other contracts entered into by the City of Fort Wayne with any **business entity** which contract is awarded to the lowest bidder.

K. **Severability.** If any provision of this ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those for which it is held invalid, shall not be affected thereby, and to this extent the provisions of this ordinance are severable.

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

SECTION 3. After passage and any and all necessary approval by the Mayor and any and all publication required, this Ordinance shall have an effective date of January 1, 2012.

Mitch Harper, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, City Council Attorney

#1251

BILL NO. Z-11-08-09

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-27 (Sec. 27 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 R1 (Single Family

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

Subdivision Plats included in description:

*Lake Shores, Section III (Plat Record 26, pages 2-4)
Lake Shores Extended (Plat Record 40, pages 39-42)
Lake Shores Extended Section 2 (Plat Record 43, pages 125-128)
Lake Shores Ext'd Addition Sec. 3 (Plat Cabinet A, page 95)
Pfister Addition Section "A" (Plat Record 20, page 14)
Pfister Addition Section "B" (Plat Record 22, page 76)
Pfister Addition, Section "C" (Plat Record 24, page 169)
Pfister Addition, Section "D" (Plat Record 23, page 140)
Arburn Place, an Addition to Waynedale (Plat Record 14, page 46)*

Part of the Richardville Reserve, West of the St. Mary's River, in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

BEGINNING at the intersection of the center line of Airport Expressway (formerly known as Baer Field Thruway) and the Southeasterly extension of the Southerly line of Lot 196 in the Plat of Lake Shores, Section III, recorded in Plat Record 26, pages 2-4 in the Office of the Recorder of Allen County, Indiana; thence Northwesterly on said Southeasterly extension and the Southerly line of Lots 196-197 in said Plat to the Southwest corner of said Lot 197, said corner lying on the Easterly line of Lot 43 in the Plat of Pfister Addition, Section "D", recorded in Plat Record 23, page 140 in the Office of the Recorder of Allen County, Indiana; thence Southerly on the Easterly line of Lots 38-43 and the Southerly extension thereof to the center line of Lower Huntington Road; thence Northwesterly on the center line of Lower Huntington Road to the center line of Avalon Drive; thence Northeasterly on the center line of Avalon Drive to the Southeasterly extension of the South line of the North 70 feet of Lot 21 in the Plat of Pfister Addition Section "B", recorded in Plat Record 22, page 76 in the Office of the Recorder of Allen County, Indiana; thence Northwesterly on said Southeasterly extension and the said South line to the Southwesterly corner of said North 70 feet of Lot 21 in the Plat of Pfister Addition Section "B", said corner lying on the Easterly line of Lot 20 in the Plat of Pfister Addition Section "A", recorded in Plat Record 20, page 14 in the Office of the Recorder of Allen County, Indiana; thence Southwesterly on the Easterly line of said Lot 20 and the Southerly extension thereof to the center line of Lower Huntington Road; thence Northwesterly on the center line of Lower Huntington Road to the Southwesterly extension of the Westerly line of Lot 1 in the Plat of Arburn Place, an Addition to Waynedale, recorded in Plat Record 14, page 46 in said Recorder's Office; thence Northeasterly on said Southwesterly extension and the Westerly line of Lots 1, 24, 16, and 15 in said Arburn Place, and the Northeasterly extension of said Lot 15 to the center line of Ardis Street; thence Southeasterly on said center line of Ardis Street to the Southwesterly extension of the Westerly line of Lot 51 in the Plat of Lake Shores Ext'd Addition Sec. 3, recorded in Plat Cabinet A, page 95 in the Office of the Recorder of Allen County; thence Northeasterly on said Southwesterly extension, the West line of said Lot 51 and the Westerly line of the Plat of Lake Shores Extended Section 2 (Westerly line of Lots 36 and 37 thereof), recorded in Plat Record 43, pages 125-128 in the Office of the Recorder of Allen County, to a Northwesterly corner of said Lot 36; thence Northeasterly on the Northwesterly line of Lots 35 and 36 in said Plat to a Northwesterly corner of said Lot 35; thence Northeasterly on the Northerly line of said Lot 35 and the Northeasterly extension thereof to the center line of Lakewood Court; thence Southeasterly on said center line to the Southwesterly extension of the Northerly line of Lot 34 in said Plat of Lake Shores Extended Section 2; thence Northeasterly on said Southwesterly extension and the Northerly line of said Lot 34 to the

Northeasterly corner thereof; thence Southerly on the Easterly line of said Lot 34 to the Southeasterly corner thereof; thence Southeasterly on the Northerly line of Lots 31 and 32 in said Plat to a Northerly corner of said Lot 31, being also the Southwesterly corner of Lot 27 in said Plat; thence Northeasterly on the Westerly line of said Lot 27 and the Northeasterly extension thereof to the center line of Monterey Court; thence Northerly on said center line to the Westerly extension of the North line of Lot 26 in said Plat; thence Easterly on said Westerly extension and the North line of said Lot 26 to the Northeasterly corner thereof; thence Southeasterly on the Northeasterly line of said Lot 26 to the Northwesterly corner of Lot 25 in said Plat; thence Southeasterly on the North line of said Lot 25 to a Northerly corner thereof; thence Northeasterly on said North line and the North line of Lot 24 in said Plat to the Northeast corner of said Lot 24; thence Easterly on the North line of Lots 22 and 23 in said Plat of Lake Shores Extended Section 2 and the North line of Lots 12-21 in the Plat of Lake Shores Extended, recorded in Plat Record 40, pages 39-42 in the Office of the Recorder of Allen County, to the Northeast corner of said Lot 12; thence Northeasterly on the Northwesterly line of Lot 11 in the Plat of Lake Shores Extended to a Northerly corner thereof; thence Easterly on the North line of Lots 10 and 11 in said Plat and the Easterly extension thereof to the center line of Airport Expressway; thence Southerly on said center line of Airport Expressway to the Point of Beginning, containing 93.6 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map Nos. J-27 and K-27 (Sec. 27 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. Helton, City Attorney

#1252

BILL NO. Z-11-08-10

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-27 (Sec. 27 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 R1 (Single Family

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

Subdivision Plats included in description:

Lake Shores, Section I (Plat Record 24, pages 167-168)

Lake Shores, Section II (Plat Record 26, pages 5-7)

(Misc. metes and bounds tracts)

Part of the Richardville Reserve, West of the St. Mary's River, in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

BEGINNING at the intersection of the center line of Lower Huntington Road and the center line of Airport Expressway (formerly Baer Field Thruway); thence in a Northeasterly direction on the center line of Airport Expressway to the Westerly extension of the North line of Lot 106 in the Plat of Lake Shores, Section II, recorded in Plat Record 26, pages 5-7 in the Office of the Recorder of Allen County, Indiana; thence Easterly on said Westerly extension and the North line of Lots 102-106 in said Plat and the Easterly extension thereof to the center line of Winchester Road; thence in a Southeasterly direction on said center line of Winchester Road to the Northeasterly corner of real estate titled to Yellow Retirement, LLC via deed in Document 206009088 in the Office of the Recorder of Allen County; thence in a Southwesterly direction on the Northerly line thereof to the Northwesterly corner thereof lying on the Easterly line of Lot 128 in the aforesaid Plat of Lake Shores, Section II; thence in a Southeasterly direction on said Easterly line and the Easterly line of Lot 127 in said Plat, said Easterly lines being also the Westerly line of said real estate described in Document 206009088, to the Southwesterly corner thereof, being also the Northwesterly corner of Lot 4 in the Plat of Lake Shores, Section I, recorded in Plat Record 24, pages 167-168 in the Office of the Recorder of Allen County; thence in a Northeasterly direction on the Northwesterly line of Lots 1-4 in said Plat of Lake Shores, Section I, being also the Southerly line of said real estate described in Document 206009088, and the Northeasterly extension thereof, to the center line of Winchester Road; thence in a Southeasterly direction on the center line of Winchester Road to the Easternmost corner of real estate titled to Robert P. Criswell and Margita A. Criswell via deed in Document 75-22184 in the Office of the Recorder of Allen County; thence Southwesterly, Southeasterly and Northwesterly on the Southerly boundary thereof to the Southwesterly corner thereof, said corner lying on the Easterly line of real estate titled to Robert P. Criswell and Margita A. Criswell via deed in Document 82-017335 in the Office of the Recorder of Allen County; thence Southwesterly on said Easterly line to the Northwesterly corner of real estate titled to Michael J. McDonald and Teresa D. McDonald via deed in Document 85-038191 in the Office of the Recorder of Allen County; thence Southeasterly on the Northerly line thereof to the Northeast corner thereof; thence Southwesterly on the Easterly line of said real estate described in said Document 85-038191 to the center line of Lower Huntington Road; thence Northwesterly on said center line of Lower Huntington Road to the Point of Beginning, containing 84.8 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. K-27 (Sec. 27 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. Helton, City Attorney

#1253

BILL NO. Z-11-08-11

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map Nos. L-23 and L-27 (Sec. 27 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 R1 (Single Family

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

*Subdivision Plats included in description:
Winterset, Section I (Plat Record 29, pages 1-3)
Winterset Section II (Plat Record 38, pages 99-101)
Winterset Section III (Plat Record 39, pages 44-46)
Winterset, Section IV (Plat Record 46, pages 108-110)
(Misc. metes and bounds tract)*

Part of the Richardville Reserve, West of the St. Mary's River, in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

BEGINNING at the intersection of the center line of Winchester Road and the Westerly extension of the Northerly line of Lot 48 in the Plat of Winterset Section II, recorded in Plat Record 38, pages 99-101 in the Office of the Recorder of Allen County, Indiana; thence Northeasterly on said Westerly extension and the Northerly line of Lots 49-50 in said Plat to the Northeast corner of Lot 50 in said Plat; thence Southeasterly on the East line of Lot 51 in said Plat of Winterset Section II to the Southeast corner thereof, being also the Northwest corner of Block "A" in the Plat of Winterset, Section IV, recorded in Plat Record 46, pages 108-110 in the Office of the Recorder of Allen County, Indiana; thence Easterly on the North line of said Plat of Winterset, Section IV to the Northeast corner thereof, lying on the apparent Westerly low water mark of the St. Mary's River; thence Southerly on the Easterly line of said Plat of Winterset, Section IV and the Easterly line of the Plat of Winterset Section III, recorded in Plat Record 39, pages 44-46 in the Office of the Recorder of Allen County, Indiana, to the Southeast corner of Lot 61 in said Plat of Winterset Section III; thence Southwesterly on the Southerly line of said Lot 61 and Lot 62 in said Plat to a Southerly corner thereof; thence Northwesterly on said Southerly line to a Southerly corner of said Lot 62; thence Southwesterly on the Southerly line of Lot 62, Lot 66, Lot 67 and the Westerly extension thereof in said Plat to the center line of Winchester Road; thence in a Northwesterly direction on said center line of Winchester Road to the Point of Beginning, containing 57.4 acres, more or less.

**and the symbols of the City of Fort Wayne Zoning Map Nos. L-23 and L-27 (Sec. 27 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. Helton, City Attorney

#1254

BILL NO. Z-11-08-12

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-03 (Sec. 12 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 CM5C (Neighborhood Commercial Corridor) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

**1601 & 1631 East Pontiac Street
Out lot 42 Lillie's Addition**

Beginning at the Southeast corner of Section 12, Wayne Township, Allen County, Indiana, West 348.00 feet along the South line of Section 12, thence North 25 feet to the North R/W line of Pontiac and the West R/W line of Lillie and the point of beginning. Thence North 376.6 feet along the East line of outlot 42 Lillie's Addition. Thence West 287.00 feet along the North line of outlot 42 Lillie's Addition to the East R/W line of Winter Street, thence South 373.6 feet along the West line of outlot 42 Lillie's Addition to the North R/W Line of Pontiac Street. Thence East, 287.00 feet, along the North R/W Line of Pontiac Street to the point of beginning, containing 2.499 acres, more or less.
(Deed Book 52 Page 368, Office of Allen County Recorder)

and the symbols of the City of Fort Wayne Zoning Map No. O-03 (Sec. 12 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. Helton, City Attorney

#1255

BILL NO. Z-11-08-13

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-03 (Sec. 12 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 CM5C (Neighborhood Commercial Corridor) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

**1501, 1505, 1511, & 1515 E. Pontiac Street
Lots # 15, 16, 17, 18 Winters Addition**

Beginning at the Southeast corner of Section 12 Wayne Township, Allen County, Indiana, thence West 951.50 feet along the South line of Section 12 Wayne Township; thence North 25 feet to the North right-of-way line of Pontiac and the East right-of-way of Reed Street and the point of beginning. Thence, North 100.00' to the Northwest corner of Lot 18 Winters Add., thence East 127.1' to the Northeast Corner of Lot 15 Winters Add., thence South 100 feet to the Southeast corner of Lot 15 Winters Add., thence West 127.1' along the North R/W of Pontiac Street to the point of beginning, containing 0.295 acres, more or less. (Plat Book 5A Page 19, Office of Allen County Recorder)

and the symbols of the City of Fort Wayne Zoning Map No. O-03 (Sec. 12 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. Helton, City Attorney

#1256

BILL NO. Z-11-08-14

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-07 (Sec. 13 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 CM5C (Neighborhood Commercial Corridor) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

**1502, 1506, 1512, 1516, 1518, 1522, 1526 E. Pontiac Street; 2711 Reed Street; and 2714 Winter Street
Lots # 1, 2, 3, 4, 5, 6, 7 Nirdlingers Sub Addition**

Beginning at the Southeast corner of Section 12 Wayne Township, Allen County, Indiana, West 951.50 feet along the South line of Section 12. Thence South 25 feet to the South R/W line of Pontiac and the East R/W line of Reed Street and the point of beginning, thence South 135.00 feet along the East R/W of Reed Street to the Southwest corner of Lot #7 Nirdlingers Sub Addition, thence East 270.00 feet along the North R/W of an East - West alley to the Southeast corner of Lot #1 Nirdlingers Sub Addition. Thence North 135.00 feet to the Northeast corner of Lot #1 Nirdlingers Sub Addition, thence West 270.00 feet along the South R/W of Pontiac Street to the point of beginning, containing 0.838 acres, more or less.
(Plat Book 4A Page 21, Office of Allen County Recorder)

and the symbols of the City of Fort Wayne Zoning Map No. O-07 (Sec. 13 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. Helton, City Attorney

#1257

BILL NO. Z-11-08-15

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. O-07 (Sec. 13 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 CM5C (Neighborhood Commercial Corridor) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana:

**1714 E. Pontiac Street
Lot's 13 and 14, H. M. Zaunner's Sub of Hough's Out Lot**

Beginning at the Southeast corner of Section 12 Wayne Township, Allen County, Indiana, West 308.00 feet along the South line of Section 12, thence South 25 feet to the South R/W line of Pontiac and the East R/W line of Lillie and the point of beginning. Thence East 140.00 feet to the Northeast corner of Lot 14, H. M. Zaunner's Sub of Hough's Out Lot. Thence South 88.00 feet along the west R/W line of a North - South alley to the Southeast Corner of Lot 13, H. M. Zaunner's Sub of Hough's Out Lot, thence West 140.00 feet to the Southwest corner of Lot 13 H. M. Zaunner's Sub of Hough's Out Lot. Thence North 88.00 feet to the Northwest corner of Lot 14, H. M. Zaunner's Sub of Hough's Out Lot and the point of beginning, containing 0.282 acres, more or less.
(Plat Book 2B Page 54, Office of Allen County Recorder)

and the symbols of the City of Fort Wayne Zoning Map No. O-07 (Sec. 13 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. Helton, City Attorney

#1258

BILL NO. Z-11-08-16

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. I-26 (Sec. 28 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 IN3 (Heavy Industrial)

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

Parcel 1:

A parcel of land situated in that part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, lying North and East of the centerline of the public highway known as the Goshen Road and United State Highway No. 30 (formally) and West of the right-of-way of the Grand Rapids and Indiana Railroad, as by metes and bounds, described to-wit:

Commencing on the centerline of the public highway known as the Goshen Road at a point situated 318.7 feet Southeasterly of the point of intersection of the said highway centerline by the North line of the Southeast Quarter of the Northeast Quarter of said section; thence continuing Southeasterly on the said highway centerline 51.0 feet; thence Northeasterly on a line normal to the said highway centerline, 428.2 feet to the North line of the Southeast Quarter of the Northeast Quarter of said section; thence West on the aforesaid line, 78.7 feet; thence Southwesterly on a line normal to the said highway centerline, 368.5 feet to the point of beginning.

Also:

A parcel of land situated in that part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, lying North and East of the centerline of the public highway known as the Goshen Road and U.S. Highway Number 30 (formally) and West of the right-of-way of the Grand Rapids and Indiana Railroad, as by metes and bounds described, to-wit:

Commencing on the centerline of the public highway known as the Goshen Road, at a point situated 369.7 feet Southeasterly of the point of intersection of the said highway centerline by the North line of the Southeast Quarter of the Northeast Quarter of the said Section; thence continuing Southeasterly on the highway centerline, 52.0 feet; thence Northeasterly on a line normal to the said highway centerline, 489.1 feet to the North line of the Southeast Quarter of the Northeast Quarter of said section; thence West on the aforesaid line, 80.23 feet; thence Southwesterly on a line normal to the said highway centerline, 428.2 feet to the point of beginning.

EXCEPTING THEREFROM, that part conveyed to Ray C. Meek and Gloria J. Meek, husband and wife, by that Warranty Deed dated November 21, 1984, recorded November 26, 1984, as document No. 84-28711.

Parcel 2:

That part of a parcel of land situated in that part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, lying North and East of the centerline of the public highway known as the Goshen Road and U.S. Highway Number 30 (formally) and West of the right-of-way of the Grand Rapids and Indiana Railroad, referred to as Parcel Numbered 7 in a special survey for an unplatted subdivision thereof dated August 30, 1946 by A.K. Hofer and described by metes and bounds as follows, to-wit:

Commencing on the centerline of the public highway known as the Goshen Road, at a point situated 421.7 feet Southeasterly of the point of intersection of the said highway centerline by the North line of the Southeast Quarter of the Northeast Quarter of the said section; thence continuing Southeasterly on the highway centerline, 51.0 feet; thence Northeasterly on a line normal to the said highway centerline 548.5 feet to the North line of the Southeast Quarter of the Northeast Quarter of said Section; thence West on the aforesaid line, 80.23 feet; thence Southwesterly on a line normal to the said highway centerline, 489.1 feet to the point of beginning.

Also:

That part of a parcel of land situated in that part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North, Range 12 East, lying North and East of the centerline of the public highway known as the Goshen Road and U.S. Highway Number 30 (formally) and West of the right-of-way of the Grand Rapids and Indiana Railroad, referred to as Parcels Numbered 8 and 9 in a special survey for an unplatted subdivision thereof dated August 30, 1946 by A.K. Hofer and described by metes and bounds as follows, to-wit:

Commencing on the centerline of the public highway known as the Goshen Road, at a point situated 472.7 feet Southeasterly of the point of intersection of the said highway centerline by the North line of the Southeast Quarter of the Northeast Quarter of the said section; thence continuing Southeasterly on the highway centerline, 131.0 feet; thence Northeasterly on a line normal to the said highway centerline 671.7 feet; thence North 20 feet to the North line of the Southeast Quarter of the Northeast Quarter of said section; thence West on the aforesaid line 178.5 feet; thence Southwesterly on a line normal to the said highway centerline 548.5 feet to the point of beginning.

EXCEPTING THEREFROM, that part conveyed to Robert J. Thornhill and Norma G. Thornhill, husband and wife, by Warranty Deed dated May 27, 1993, recorded June 1, 1993, as Document No. 93-29650.

The herein described real estate contains 2.7 net acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. I-26 (Sec. 28 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. Helton, City Attorney

#1259

BILL NO. Z-11-08-17

ZONING MAP ORDINANCE NO. Z-_____

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

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

SECTION 1. That the area described as follows is hereby designated 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 OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTER LINE OF PARNELL AVENUE, SAID POINT BEING 21.15 FEET NORTH AND 9 FEET WEST OF THE CENTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA; THENCE NORTH, 1022.4 FEET ALONG THE CENTERLINE OF PARNELL AVENUE; THENCE NORTH 86 DEGREES 20 MINUTES 40 SECONDS WEST (NORTH 86 DEGREES 32 MINUTES WEST, DEED) A DISTANCE OF 496.5 FEET TO THE POINT OF BEGINNING; THENCE NORTH 02 DEGREES 28 MINUTES 45 SECONDS EAST, 196.15 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT; THENCE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY, ALONG SAID CURVE HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 125.66 FEET AND SUBTENDED BY A CHORD BEARING NORTH 14 DEGREES 35 MINUTES 55 SECONDS WEST, A CHORD LENGTH OF 95.41 FEET; THENCE NORTH 64 DEGREES 29 MINUTES 16 SECONDS WEST, 303.68 FEET; THENCE SOUTH 25 DEGREES 25 MINUTES 00 SECONDS WEST, 208.71 FEET; THENCE SOUTH 32 DEGREES 31 MINUTES 15 SECONDS EAST, 49.60 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 38 SECONDS EAST, 94.40 FEET; THENCE SOUTH 45 DEGREES 27 MINUTES 59 SECONDS EAST, 115.16 FEET; THENCE SOUTH 86 DEGREES 20 MINUTES 40 SECONDS EAST, 251.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.61 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RIGHTS OF WAY, COVENANTS AND RESTRICTIONS OF RECORD.

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

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

#1260

BILL NO. Z-11-08-18

ZONING MAP ORDINANCE NO. Z-_____

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

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

SECTION 1. That the area described as follows is hereby designated a 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 25, TOWNSHIP 31 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTER LINE OF PARNELL AVENUE, SAID POINT BEING 21.15 FEET NORTH AND 9 FEET WEST OF THE CENTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA; THENCE NORTH, 1022.4 FEET ALONG THE CENTERLINE OF PARNELL AVENUE; THENCE NORTH 86 DEGREES 20 MINUTES 40 SECONDS WEST (NORTH 86 DEGREES 32 MINUTES WEST, DEED) A DISTANCE OF 748.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 86 DEGREES 20 MINUTES 40 SECONDS WEST, 550.40 FEET; THENCE NORTH 00 DEGREES 17 MINUTES 00 SECONDS EAST, 180.00 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 30 SECONDS EAST, 420.50 FEET; THENCE SOUTH 32 DEGREES 31 MINUTES 15 SECONDS EAST, 49.60 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 38 SECONDS EAST, 94.40 FEET; THENCE SOUTH 45 DEGREES 27 MINUTES 59 SECONDS EAST, 115.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.11 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RIGHTS OF WAY, COVENANTS AND RESTRICTIONS OF RECORD.

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

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

passage and approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

**Prepared by the Office
Of the City Clerk**

**Sandra E. Kennedy
City Clerk**



