

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
May 24, 2011**

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BILL NO. R-11-05-14

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 642 Growth  
Avenue, Fort Wayne, Indiana 46808 (Ward  
Corporation)**

**WHEREAS**, Petitioner has duly filed its petition dated May 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 three full-time, permanent jobs for a total new, annual payroll of \$74,880, with the average new annual job salary being \$24,960 and retain 233 full-time and one part-time, permanent jobs for a total current annual payroll of

\$8,309,251, with the average current, annual job salary being \$35,510; and

**WHEREAS**, the total estimated project cost is \$2,650,000; 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:

- (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 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 new manufacturing, logistical distribution, and information technology equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of 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 new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (c) 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 \$3.1590/\$100 (the change would be negligible).
- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (e) If the proposed new logistical distribution equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (f) If the proposed new logistical distribution equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (h) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (i) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$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 new manufacturing, logistical distribution, and information technology equipment shall be for a period of ten years.

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

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

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

BILL NO. R-11-05-15

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 642 Growth  
Avenue, Fort Wayne, Indiana 46808 (Ward  
Corporation)**

**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 three full-time, permanent jobs for a total new, annual payroll of \$74,880, with the average new annual job salary being \$24,960 and retain 233 full-time and one part-time, permanent jobs for a current annual payroll of \$8,309,251, with the average current annual job salary being \$35,510; and

**WHEREAS**, the total estimated project cost is \$2,650,000; and

**WHEREAS**, a recommendation has been received from the Committee on Finance on 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 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 the new manufacturing, logistical distribution, and information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new 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 new manufacturing equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (b) If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (c) 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 \$3.1590/\$100 (the change would be negligible).
- (d) If the proposed new logistical distribution equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$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 \$3.1590/\$100 (the change would be negligible).
- (f) If the proposed new logistical distribution equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (g) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.1590/\$100.
- (h) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.1590/\$100 (the change would be negligible).
- (i) If the proposed new information technology equipment is installed, and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$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 new manufacturing, logistical distribution and information technology equipment 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 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.** 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 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 said 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 AND LEGALITY

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Carol Helton, City Attorney

BILL NO. R-11-05-16

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 6230 Innovation Boulevard, Fort Wayne, Indiana 46818 (CK Products, LLC)**

**WHEREAS**, Petitioner has duly filed its petition dated May 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 40 full-time, permanent jobs for a total new, annual payroll of \$1,224,704, with the average new full-time annual job salary being \$30,618 and retain 88 full-time and one part-time, permanent jobs for a total current annual

payroll of \$2,390,995, with the average full-time current, annual job salary being \$27,040; and

**WHEREAS**, the total estimated project cost is \$6,801,150; 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, logistical distribution and information technology equipment, all contained in Petitioner’s Statement of Benefits, are reasonable

and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation and from the installation of new 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 ten years.

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

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

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

**BILL NO. R-11-05-17**

**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 6230 Innovation Boulevard, Fort Wayne, Indiana 46818 (CK Products, 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 40 full-time, permanent jobs for a total additional annual payroll of \$1,224,704, with the average new full-time annual job salary being \$30,618 and retain 88 full-time and one part-time, permanent jobs for a current annual payroll of \$2,390,995, with the average full-time current annual job salary being \$27,040; and

**WHEREAS**, the total estimated project cost is \$6,801,150; 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, logistical distribution, and information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new

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 ten years.

**SECTION 7.** That, the benefits described in the Petitioner's Statement of Benefits can be reasonably expected to result from the project and are sufficient to justify the applicable deductions.

**SECTION 8.** For new 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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Helton, City Attorney

BILL NO. R-11-05-18

**A DECLARATORY RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 5021 Investment  
Drive, Fort Wayne, Indiana 46808 (AccuTemp  
Products, Inc.)**

**WHEREAS**, Petitioner has duly filed its petition dated May 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 \$27,000, with the average new annual job salary being \$27,000 and retain 17 full-time, permanent jobs for a total current annual payroll of \$800,367, with the average current, annual job salary being \$47,080; and

**WHEREAS**, the total estimated project cost is \$8,800; 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 personal property for new information technology equipment.

**SECTION 4.** That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of new information technology equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of new information technology equipment.

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

- (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 new information technology equipment shall be for a period of ten years.

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

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

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

**A CONFIRMING RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 5021 Investment  
Drive, Fort Wayne, Indiana 46808 (AccuTemp  
Products, 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 new, annual payroll of \$27,000, with the average new annual job salary being \$27,000 and retain 17 full-time, permanent jobs for a current annual payroll of \$800,367, with the average current annual job salary being \$47,080; and

**WHEREAS**, the total estimated project cost is \$8,800.00; and

**WHEREAS**, a recommendation has been received from the Committee on Finance on 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 personal property for new information technology equipment.

**SECTION 4.** That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the new information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new information technology equipment.

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

- (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.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the new information technology equipment 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 new information technology equipment, a deduction application

must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

**SECTION 9.** The performance report must contain the following information

- (a) The cost and description of real property improvements and/or new information technology equipment acquired.
- (b) The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- (c) The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- (d) The total number of employees employed at the facility receiving the deduction.
- (e) The total assessed value of the real and/or personal property deductions.
- (f) The tax savings resulting from the real and/or personal property being abated.

**SECTION 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 said 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 AND LEGALITY

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Carol Helton, City Attorney

BILL NO. R-11-05-20

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 8415 North  
Clinton Park Drive, Fort Wayne, Indiana 46825  
(AccuTemp Products, Inc.)**

**WHEREAS**, Petitioner has duly filed its petition dated May 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 retain 39 full-time and one part-time, permanent jobs for a total current annual payroll of \$2,699,632, with the average current, annual job salary being \$67,491; and

**WHEREAS**, the total estimated project cost is \$36,080; 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 personal property for new information technology equipment.

**SECTION 4.** That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of new information technology equipment, all contained in Petitioner’s Statement of Benefits, are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of new information technology equipment.

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

- (m) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0527/\$100.
- (n) 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 \$3.0527/\$100 (the change would be negligible).

(o) 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 \$3.0527/\$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 new information technology equipment shall be for a period of ten years.

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

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

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

**A CONFIRMING RESOLUTION designating an  
“Economic Revitalization Area” under I.C. 6-1.1-12.1  
for property commonly known as 8415 North  
Clinton Park Drive, Fort Wayne, Indiana 46825  
(AccuTemp Products, 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 retain 39 full-time and one part-time, permanent jobs for a current annual payroll of \$2,699,632, with the average current annual job salary being \$67,491; and

**WHEREAS**, the total estimated project cost is \$36,080; and

**WHEREAS**, a recommendation has been received from the Committee on Finance on 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 personal property for new information technology equipment.

**SECTION 4.** That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the new information technology equipment, all contained in Petitioner’s Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new information technology equipment.

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

- (m) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$30527.0000/\$100.
- (n) 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 \$3.0527/\$100 (the change would be negligible).
- (o) 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 \$3.0527/\$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 new information technology equipment 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 new information technology equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor’s Office, and the

City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

**SECTION 9.** The performance report must contain the following information

- (a) The cost and description of real property improvements and/or new information technology equipment acquired.
- (b) The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- (c) The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- (d) The total number of employees employed at the facility receiving the deduction.
- (e) The total assessed value of the real and/or personal property deductions.
- (f) The tax savings resulting from the real and/or personal property being abated.

**SECTION 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 said 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.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

**BILL NO. R-11-05-22**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF FORT WAYNE COMMON COUNCIL  
CONCERNING THE FINANCING AND REFINANCING OF  
ECONOMIC DEVELOPMENT FACILITIES BY ALLEN COUNTY, INDIANA,  
FOR INDIANA INSTITUTE OF TECHNOLOGY, INC.

WHEREAS, the Allen County Economic Development Commission (“Allen County EDC”) will consider and is proposing to adopt a Resolution and Project Report for the financing and refinancing of economic development facilities to be located in an incorporated area of the City of Fort Wayne, Indiana, for Indiana Institute of Technology, Inc. (the “Applicant”), and will transmit said Resolution and Project Report to the County Council of Allen County, the Fort Wayne Department of Planning Services, and this Common Council; and

WHEREAS, the County Council of Allen County will consider adoption of an Ordinance on June 16, 2011, for the financing and refinancing of the same; and

WHEREAS, I.C. 36-7-12-22 provides that economic development facilities which are to be located within the corporate boundaries of a municipality may not be financed or refinanced by the County without the consent of the fiscal body of the municipality in which

such facilities are to be located; and

WHEREAS, Internal Revenue Code Section 147(f) requires approval of financings of facilities by the governmental unit having jurisdiction over the area in which such facilities are located upon giving the public an opportunity to be heard at a public hearing; and

WHEREAS, this Common Council may by law consent to and approve the financing and refinancing of such economic development facilities by the County, where such economic development facilities are in the County but are also located inside the corporate boundaries of a municipality; and

WHEREAS, the City of Fort Wayne, Indiana, its residents and their property will not be liable, directly or indirectly, for or under the bonds to be issued in financing and refinancing the economic development facilities;

NOW, THEREFORE, this Common Council, properly convened, hereby consents to and approves the financing and refinancing of economic development facilities through the issuance of economic development revenue bonds of Allen County, Indiana, in an amount of not to exceed \$5,000,000 for the Applicant, such financing consisting of (a) the acquisition, construction, expansion, renovation and equipping of various economic development facilities for the Applicant, including (i) the construction and equipping of a new residence hall facility expected to house approximately 45 students to be located on an approximately 22,000 square foot parcel at the northwest corner of Washington Boulevard and Walter Street, at 982 Walter Street, and (ii) the acquisition, construction, expansion, renovation and equipping of various other economic development facilities for the Borrower, including streets, grounds, landscaping and site improvements in connection with such facilities (the "Project"); and (b) the current refunding in whole of the County of

Allen, Indiana Economic Development First Mortgage Revenue Bonds, Series 1999 (Indiana Institute of Technology, Inc. Project), dated as of July 1, 1999 and issued in the original aggregate principal amount of \$9,640,000 (the "Series 1999 Bonds"). The proceeds of the Series 1999 Bonds were utilized to finance and refinance certain economic development facilities for the Borrower, including the expansion and renovation of a classroom building, the construction and equipping of a new student residence hall and a new administration building, the expansion and renovation of the engineering building, the renovation of the library, and the acquisition and construction of athletic fields (together, the "Prior Projects"). All such facilities to be financed or refinanced shall be located adjacent to the Borrower's campus at 982 Walter Street, or on the Borrower's campus located at 1600 East Washington Boulevard, in the City of Fort Wayne, in Allen County, Indiana; and

RESOLVED FURTHER, that this Common Council hereby acknowledges that the Allen County EDC will hold an Internal Revenue Code Section 147(f) public hearing on behalf of this Common Council, and that this Resolution constitutes the ratification of the public hearing and the approval of the elected public officials of the City of Fort Wayne, Indiana, to the issuance of the revenue bonds and to the financing and refinancing of the facilities referenced above, subject only to the adoption of an approving Ordinance by the County Council of Allen County on June 16, 2011.

Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol Helton, City Attorney

#1243

BILL NO. Z-11-05-10

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

AN ORDINANCE amending the City of Fort Wayne  
Zoning Map No. N-02 (Sec. 12 of Wayne)

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 IN-1 (Light Industrial)

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

**Lots numbered 57, 58, and 59 in Lewis Addition, to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record Y, page 534, as found in the Office of the Recorder of Allen County, Indiana.**

**Together with:**

**Lots numbered 74, 75, 76 and the following described portion of Lot 73, all in Lewis Addition, to the City of Fort Wayne, according to the plat thereof, recorded in Deed Record Y, page 534, as found in the Office of the Recorder of Allen County, Indiana. Commencing at an axle rod at the Northwest corner of Lot 70, in said Lewis Addition; thence East, on the North line of Lots 70-73 in said Lewis Addition, 174.67 feet to the Northeast corner of a 0.88 acre parcel described in Document #2008001033, said point being the Point of Beginning; thence South, by a deflection angle to the right of 90 degrees 22 minutes 16 seconds, on the East line of said 0.88 acre parcel and its Southerly extension, and along an existing 6 foot tall chain link fence, 150.00 feet to a 5/8 inch rebar capped "GOU" on the North right-of-way line of Brackenridge Street; thence East, on said North right-of-way line, 25.78 feet to the Southeast corner of said Lot 73; thence North, on the East line of said Lot 73, being parallel with and 150.00 feet West of the East right-of-way line of Clay Street, 150.00 feet to the Northeast corner of said Lot 73; thence West, on the North line of said Lot 73, a distance of 24.77 feet to the Point of Beginning.**

**and the symbols of the City of Fort Wayne Zoning Map No. N-02 (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.**

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Council Member

APPROVED AS TO FORM AND LEGALITY:

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Carol T. Helton, City Attorney

#1246

BILL NO. G-11-05-11

Plat Book: 61, Page No: 28

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

**AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating public right-of-way.**

WHEREAS, a petition to vacate public right-of-way within the City of Fort Wayne, Indiana, (as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and approved said petition, as provided in I.C. 36-7-3-12.

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

SECTION 1. That the petition filed herein to vacate a public right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

The 14-foot wide north-south alley of Hough's Subdivision of Lots 38 and 39 of Comparets Addition to the City of Fort Wayne, Indiana, as recorded in Deed Book 61, page 28 within the Office of the Recorder of Allen county, Indiana, containing 1,435 square feet, more or less.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

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

\_\_\_\_\_  
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Carol T. Helton, City Attorney

**BILL NO. S-11-05-12**

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

AN ORDINANCE approving RFP #7316-11 - W.O. #12258 - ROTHERMERE DRIVE CONCRETE RECONSTRUCTION between GARCIA CONCRETE 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 RFP #7316-11 - W.O. #12258 - ROTHERMERE DRIVE CONCRETE RECONSTRUCTION by and between GARCIA CONCRETE 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 Rothermere Drive project is a project in the 2nd District. Project will replace over 1000 centerline feet of poor concrete pavement on Rothermere Drive from Norward Lane to Sunny Lane. Improvements will include underdrains, affected drives, water valve adjustments and parkstrip restoration:

involving a total cost of ONE HUNDRED FORTY-SEVEN THOUSAND, ONE HUNDRED EIGHTY-ONE AND 00/100 DOLLARS - (\$147,181.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Carol Helton, City Attorney

**BILL NO. S-11-05-13**

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

AN ORDINANCE approving RFP #7314-2011-RESURFACING PACKAGE B-2011: WORK ORDER NO. 12220 between E&B PAVING 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 RFP #7314-2011-RESURFACING PACKAGE B-2011: WORK ORDER NO. 12220 by and between E&B PAVING 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 Resurfacing Package focuses on various streets in the 1st, 2nd and 3rd Districts. Over seven (7) centerline miles of roadway milling and resurfacing represented in this package. 2.3 miles to resurface in the 1st District; 2.5 miles in the 2nd District; and 2.7 miles in the 3<sup>rd</sup> District. All locations will experience either surface or surface and binder course replacement, some pavement markings, signal loop work, castings and valves adjusted to grade:

involving a total cost of EIGHT HUNDRED SIXTY-FOUR THOUSAND, SIX HUNDRED THREE AND 00/100 DOLLARS - (\$864,603.00). A copy said Contract is on file with the Office of the City Clerk and made available for public inspection, according to law.

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

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Carol Helton, City Attorney

