

**ORDINANCES AND RESOLUTIONS  
UP FOR INTRODUCTION  
AUGUST 25, 2009**

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**FINANCE COMMITTEE**

*Elizabeth M. Brown - Chair  
Glynn A. Hines - Co-Chair  
All Council Members*

**ACTION**

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**A-09-08-05**

**AN ORDINANCE appropriating monies into certain accounts for the 2009 Budgets of various funds and departments of the City of Fort Wayne, reducing the unappropriated and unobligated balance of the particular fund involved as required to meet obligations for the remainder of 2009**

**Total additional costs - \$550,000**

**PUBLIC HEARING - 9-8-09 -- 5:30 P.M.**

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**S-09-08-08**

**AN ORDINANCE approving the awarding of ITB #3061- Foster Park Pavilion #1 Renovation Project by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Harold McComb and Son for the Parks and Recreation Department**

**Total cost of \$155,300**

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**R-09-08-06**

**A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1..1-12.1 for property commonly known as 6400 Brotherhood Way, Fort Wayne, Indiana 46825 (Brotherhood Mutual Insurance Company)**

**Total cost of \$4,400,000**

**TO BE PASSED THIS EVENING**

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**FINANCE COMMITTEE**

**CONTINUED**

**ACTION**

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**R-09-08-07**

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6400 Brotherhood Way, Fort Wayne, Indiana 46825 (Brotherhood Mutual Insurance Company)**

**Total cost of \$4,400,000**

**PUBLIC HEARING - 9-8-09 - 5:30 P.M.**

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**REGULATIONS COMMITTEE**

*Thomas F. Didier - Chair*

*John Shoaff - Co-Chair*

*All Council Members*

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**Z-09-08-04**

**AN ORDINANCE amending Zoning Map Ordinance Z-20-09**

**The correct zoning designation will be legally recorded**

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**PUBLIC WORKS COMMITTEE**

*Marty Bender - Chair*

*Karen E. Goldner-Co-Chair*

*All Council Members*

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**No ordinances or Resolutions up for introduction**

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## **CITY UTILITIES COMMITTEE**

*Tim Pape - Chair*  
*Mitch Harper - Co-Chair*  
*All Council Members*

### **ACTION**

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**No Ordinances or Resolutions up for introduction**

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**BILL NO. A-09-08-05**

**APPROPRIATION ORDINANCE NO. A-\_\_\_\_\_**

**AN ORDINANCE appropriating monies into certain accounts for the 2009 Budgets of various funds and departments of the City of Fort Wayne, reducing the unappropriated and unobligated balance of the particular fund involved as required to meet obligations for the remainder of 2009.**

**WHEREAS**, the budget adjustment policy of the City of Fort Wayne stipulates that all Departments operating on a tax supported and/or City Council approved budget shall submit requests to the Controller for appropriation of additional monies to the 2009 budgets to provide sufficient operating funds for the remainder of 2009;

**WHEREAS**, adequate funds exist in the unappropriated and unobligated balance of the funds specified and in the appropriations of certain departments as specified;

and;

**WHEREAS**, such appropriations have been recommended by the City Controller.

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

**SECTION 1.** That there is hereby appropriated to the 2009 budget accounts of the various departments listed below, the following amounts, respectively, to-wit:

**ADDITIONAL APPROPRIATIONS:**

<u>FUND:</u>	<u>DEPARTMENT:</u>	<u>TO:</u>	<u>LINE:</u>	<u>AMOUNT</u>
				⋮
<b>CEDIT</b>				<b><u>Increase</u></b>
	CEDIT-Economic Dev	539A	Transfer to Other Fund (will be transferred to PSAC Fund)	\$ <u>550,000</u>
			<b>TOTAL CREDIT FUND</b>	<b>\$ <u>550,000</u></b>
			<b><u>TOTAL ADDITIONALS</u></b>	<b><u>\$ 550,000</u></b>

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

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

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Carol Taylor, City Attorney

**BILL NO. S-09-08-08**

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

**AN ORDINANCE** approving the awarding of ITB #3061 - FOSTER PARK PAVILION #1 RENOVATION PROJECT by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and HAROLD MCCOMB AND SON for the PARKS AND RECREATION DEPARTMENT.

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

**SECTION 1.** That ITB #3061 - FOSTER PARK PAVILION #1 RENOVATION PROJECT between the City of Fort Wayne, by and through its Department of Purchasing and HAROLD MCCOMB AND SON for the PARKS AND RECREATION DEPARTMENT, respectfully for:

Foster Park Pavilion #1 Renovation Project;  
involving a total cost of ONE HUNDRED FIFTY-FIVE THOUSAND, THREE HUNDRED AND NO/100 DOLLARS - (\$155,300.00) all as more particularly set forth in said ITB #3061 - FOSTER PARK PAVILION #1 RENOVATION PROJECT which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

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

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Council Member

APPROVED AS TO FORM AND LEGALITY

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Carol T. Taylor, City Attorney

**A DECLARATORY RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6400 Brotherhood Way, Fort Wayne, Indiana 46825 (Brotherhood Mutual Insurance Company)**

**WHEREAS**, Petitioner has duly filed its petition dated August 12, 2009 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 60 full-time and four part-time, permanent jobs for a total new, annual payroll of \$3,580,000, with the average new annual job salary being \$55,938 and retain 216 full-time and 24 part-time, permanent jobs for a total current annual payroll of \$12,057,212, with the average current, annual job salary being \$50,238; and

**WHEREAS**, the total estimated project cost is \$4,400,000; 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 information technology equipment.

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

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

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.7298/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$100 (the change would be negligible).
- (c) If the proposed development occurs and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.7298/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.7298/\$100.

- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$100 (the change would be negligible).
- (f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7298/\$100 (the change would be negligible).

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

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

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

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

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

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

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Member of Council

APPROVED AS TO FORM AND LEGALITY

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Carol Taylor, City Attorney

**A CONFIRMING RESOLUTION designating an “Economic Revitalization Area” under I.C. 6-1.1-12.1 for property commonly known as 6400 Brotherhood Way, Fort Wayne, Indiana 46825 (Brotherhood Mutual Insurance Company)**

**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 60 full-time and four part-time, permanent jobs for a total additional annual payroll of \$3,580,000, with the average new annual job salary being \$55,938 and retain 216 full-time and 24 part-time, permanent jobs for a current annual payroll of \$12,057,212, with the average current annual job salary being \$50,238; and

**WHEREAS**, the total estimated project cost is \$4,400,000; 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 information technology equipment.

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

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

- (a) If the proposed development does not occur, the approximate current year tax rates for this site would be \$2.7298/\$100.
- (b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$100 (the change would be negligible).
- (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be \$2.7298/\$100 (the change would be negligible).
- (d) If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$2.7298/\$100.
- (e) If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$2.7298/\$100 (the change would be negligible).
- (f) If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$2.7298/\$100 (the change would be negligible).

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

and that the deduction from the assessed value of the new information technology equipment shall be for a period of ten years.

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

**SECTION 8.** For new information technology equipment, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community Development Division and must be included with the deduction application. For subsequent years, the performance report must be updated and submitted along with the deduction application at the time of filing.

**SECTION 9.** For real property, a deduction application must contain a performance report showing the extent to which there has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in the deduction application. For subsequent years, the performance report must be updated each year in which the deduction is applicable at the same time the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided by May 15.

**SECTION 10.** The performance report must contain the following information:

- A. The cost and description of real property improvements and/or new information technology equipment acquired.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real and/or personal property deductions.

F. The tax savings resulting from the real and/or personal property being abated.

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

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

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

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Taylor, City Attorney

#1177

BILL NO. Z-09-08-04

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

**AN ORDINANCE amending Zoning Map Ordinance Z-20-09**

WHEREAS, Common Council previously passed Ordinance Z-20-09, an amendment to the City of Fort Wayne Zoning Map No.V-15 (Sec. 22 of Adams Township) to designate the area CM1 (Professional and Personal Service);

WHEREAS, the zoning designation was incorrect; and the correct designation is as follows:

**IN3 (Heavy Industrial)**

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

**FORT WAYNE, INDIANA:**

**Section I. That the zoning designation for Ordinance Z-20-09 is hereby amended**  
**and approved.**

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

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

APPROVED AS TO FORM AND LEGALITY:

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



