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BILL NO. G-11-05-03 (as amended)

GENERAL ORDINANCE NO. G- 17-11

AN ORDINANCE AMENDING
CHAPTER 99, STREETS AND SIDEWALKS,
OF THE CITY OF FORT WAYNE CODE OF ORDINANCES
FOR THE PURPOSE OF REQUIRING MAINTENANCE
AND REPAIR OF CERTAIN BRICK STREETS
AND ALLEYS LOCATED WITHIN THE
CITY OF FORT WAYNE

WHEREAS, the City of Fort Wayne has an interest in preserving its brick streets and alleys; and

WHEREAS, the Board of Public Works by Board of Public Works Resolution 98-2-2-11-1 has adopted a policy with regard to the preservation of brick streets and alleys and the nature of that preservation; and,

WHEREAS, Common Council believes that it is important that the policy on the preservation of brick streets and alleys should be reduced to an ordinance such that the preservation is required by law; and

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

SECTION 1. Chapter 99; Streets and Sidewalks, of the Municipal Code of Ordinances is hereby amended to add a new Section titled "Brick Street and Alley Maintenance" said Section to read as follows:

Brick Street and Alley Maintenance

99.050 Brick Streets

The City of Fort Wayne shall preserve and maintain the following brick streets: Butler Street (Calhoun Street to Fairfield Avenue), Canal Street (Wayne Street to Liberty Street), College Street (Jones Street to Wall Street), Davis Street (Mary Street to West Main

1 Street), Fourth Street (Wells Street to Sherman Boulevard), Grand
2 Street (Grand and Calhoun Streets), Growth Avenue (West Main
3 Street to the railroad), Jones Street (Rockhill Street to Nelson Street),
4 Maiden Lane (Pearl Street to Main Street), Morrison Avenue (Growth
5 Avenue to Runnion Avenue), Swinney Avenue (Broadway to Phenie
6 Street), Union Street (Lavina Street to Leykauf Street), Wagner Street
7 (Griswold Drive to Spy Run Avenue), Wall Street (College Street to
8 Riedmiller Avenue), Webster Street (Pearl Street to Main Street), Wilt
9 Street (Broadway to Nelson).

10 99.051 Brick Alleys

11 The City of Fort Wayne will also preserve and maintain brick
12 alleys located in and adjacent to national and local historic districts.
13 A map identifying the location of national and local historic districts
14 will be provided by the Community Development Division. Nothing
15 is intended to mandate that the City has any greater obligation to
16 make or pay for the brick alley repairs beyond that which is
17 undertaken for non-brick alleys in the normal course, rather this
18 ordinance is merely evidencing an obligation to maintain the
19 structural and esthetic integrity of the alleys as brick alleys when a
20 decision is made to repair or replace brick Alleys in the normal
21 course,.

22 99.052 Manner of Maintenance

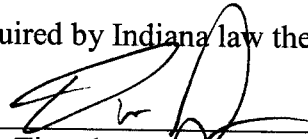
23 Preservation and maintenance of brick streets and alleys
24 requires that all repairs be made with matching brick (salvaged from
25 other city streets or alleys) and not a contemporary paver.
26 Furthermore, brick pavers shall be installed using the same
27 construction process and technique as used in the existing historic
28 surface where possible.
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Brick pavers may be removed from streets and alleys not identified for preservation (items 99.050 and 99.051). These brick pavers shall be salvaged and stored for future use when possible.

SECTION 2. The City of Fort Wayne, by and through the Division of Public Works and City Utilities will notify all City Departments and Utility Companies, making them fully aware of the Ordinance with regard to brick infrastructure.

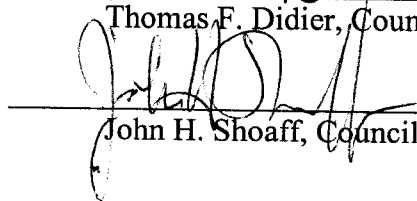
SECTION 3. These amendments to this Ordinance shall be in immediate full force and effect upon all necessary approval by the Mayor, or an override of a Mayoral veto, and any legal publication required by Indiana law thereof.



Timothy Pape, Council Member

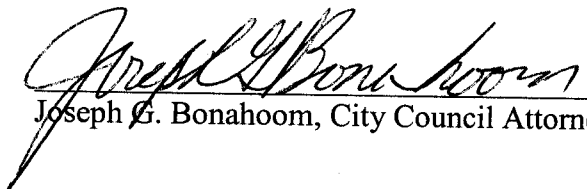


Thomas F. Didier, Council Member



John H. Shoaff, Council Member

APPROVED AS TO FORM AND LEGALITY:



Joseph G. Bonahoom, City Council Attorney

Read the first time in full and on motion by Shirley and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____ the _____ day of _____, 2011, at _____ o'clock _____ M.E.S.T.

DATED: 5-10-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____ and duly adopted, placed on its passage. PASSED _____ by the following vote: _____

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	_____	<u>✓</u>	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 5-24-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. 5-17-11 on the 24th day of May, 2011

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Matthew Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of May, 2011, at the hour of 1:30 o'clock P. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31st day of MAY 2011, at the hour of 8:30 o'clock A M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR