

4 **AN ORDINANCE GRANTING/DENYING A PETITION FOR REMOVAL**
5 **OF A HISTORIC DISTRICT DESIGNATION PURSUANT TO I.C. § 36-7-**
6 **11-23**

7 **WHEREAS**, in 2013, the Indiana state legislature adopted a bill, now codified at I.C. 36-7-11-23,
8 that establishes a procedure for an individual to request removal of a local historic district designation as it
9 pertains to the individual's property; and

10 **WHEREAS**, pursuant to I.C. 36-7-11-23, Common Council received a petition filed by Richard
11 Herber requesting removal of the single-site historic district designation for the property located at 3901
12 North Washington Road, Fort Wayne, IN 46804, a copy of which is attached hereto as Exhibit "A" (the
13 "Petition"); and

14 **WHEREAS**, Common Council forwarded the Petition to the local Historic Preservation
15 Commission which, after providing notice in accordance with I.C. 36-7-11-23(b), conducted a public
16 hearing on the Petition on February 22, 2016; and

17 **WHEREAS**, the Historic Preservation Commission submitted its findings and issued its
18 recommendations to Common Council regarding the Petition on March 3, 2016, which is within ten (10)
19 days after the date of the public hearing as required by statute; and

20 **WHEREAS**, the Historic Preservation Commission recommended that the Petition be denied; and

21 **WHEREAS**, within forty-five (45) days after receipt of the Historic Preservation Commission's
22 recommendation, Common Council is required to accept public comment on the matter and adopt an
23 ordinance granting or denying the petition for removal of the historic district designation; and

24 **WHEREAS**, Common Council set aside time for public comment on the Petition at the April 5,
25 2016 meeting of Council, as prescribed by Ind. Code § 36-7-11-23(e); and

26 **WHEREAS**, Common Council has complied with all of the requirements in Ind. Code § 36-7-11-23
27 and must decide whether to approve or deny the Petition.

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

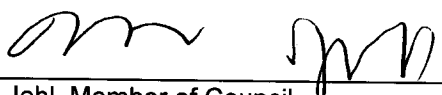
30 ^{NO} **SECTION 1** (Option A). That the petition is granted and the historic district designation is hereby
terminated. Within ten (10) days, the City Clerk is directed to record this Ordinance with the County
Recorder as prescribed by I.C. 36-7-11-23(e).

OR *AS AMENDED*

→ **SECTION 1** (Option B). That the petition is denied and the historic district designation shall
remain in place. *THIS OPTION WAS REMOVED*

SECTION 2. 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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Russell Jehl, Member of Council

APPROVED AS TO FORM A LEGALITY



Joseph G. Bonahoom, Attorney for Members of City Council

BILL NO. G-16-03-37

REPORT OF COMMITTEE ON REGULATIONS




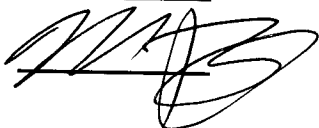
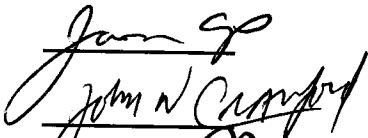
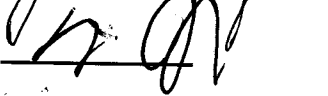
APRIL 5, 2016

Tom Didier, Chair
Tom Freistroffer, Co-Chair
All Council Members

AN ORDINANCE GRANTING/DENYING A PETITION FOR REMOVAL OF A HISTORIC DISTRICT DESIGNATION PURSUANT TO I.C. § 36-7-11-23

Requesting removal of the single-site historic district designation for the property located at 3901 North Washington Road, Fort Wayne, IN 46804

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
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LANA R. KEESLING
CITY CLERK
