

VROW-2021-0004

BILL NO. G-21-07-14

GENERAL ORDINANCE NO. G- 10-21

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:

DESCRIPTION OF PROPOSED LEYKAUF STREET RIGHT-OF-WAY VACATION:


The entirety of Leykauf Street as opened in Deed Record 353, page 213 and depicted in Plat Record 14, page 120 in the Office of the Recorder of Allen County, Indiana.

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.


COUNCIL MEMBER


APPROVED AS TO FORM AND LEGALITY:

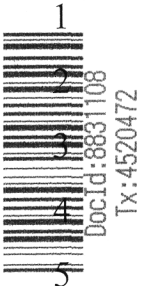

Carol T. Helton, City Attorney

AUDITOR'S OFFICE
Duly entered for taxation. Subject to final acceptance for transfer.

SEP 21 2021


AUDITOR OF ALLEN COUNTY

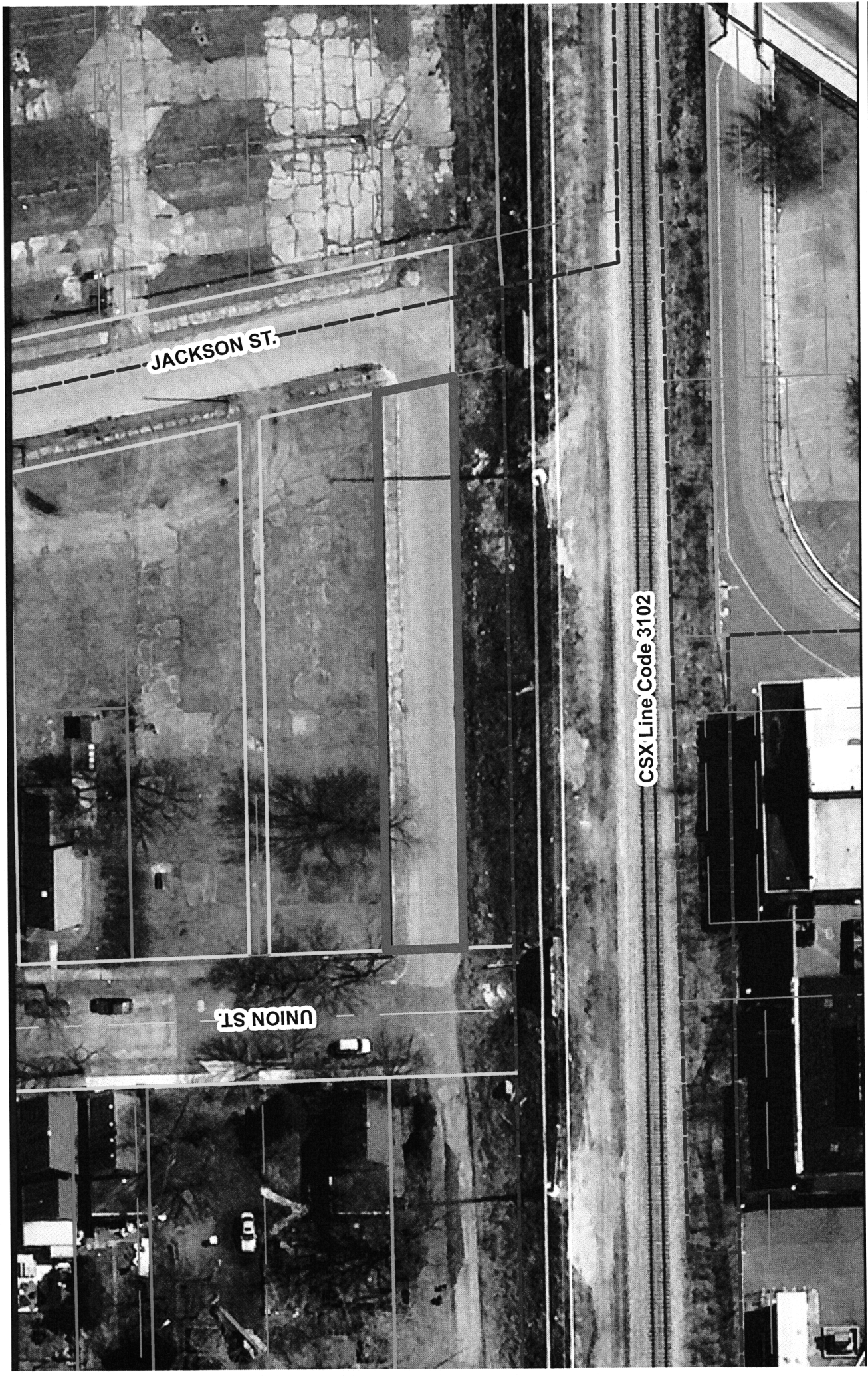
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VROW-2021-0004



1 inch = 50 feet



© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 7/21/2021

Although strict accuracy standards have been employed in the compilation of this map, Allen County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

VROW-2021-0004

"B" Leykauf St.

G-21-07-14

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 /260.427.1221

I/We do hereby petition to vacate the following:

 Easement Public Right of Way (street or alley)

More particularly described as follows:

SEE "EXHIBIT A" ATTACHED

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

DEED BOOK NUMBER: 353 **PAGE(S) NUMBER(S):** 213 (This information can be obtained from the Allen County Recorder's Office on the 2nd Floor, City-County Building, One Main Street, Fort Wayne, IN)

The reasons for the proposed vacation are as follows:

LAND DEVELOPMENT

(If additional space is needed please attach separate page.)

The applicant on an attached sheet must also provide the names and addresses of all adjacent property owner(s). The information on that sheet must be as follows:

Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s):

Name: BROADWAY REDEVELOPMENT PARTNERS, LLC

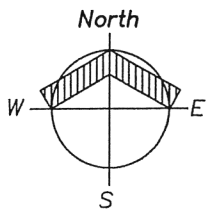
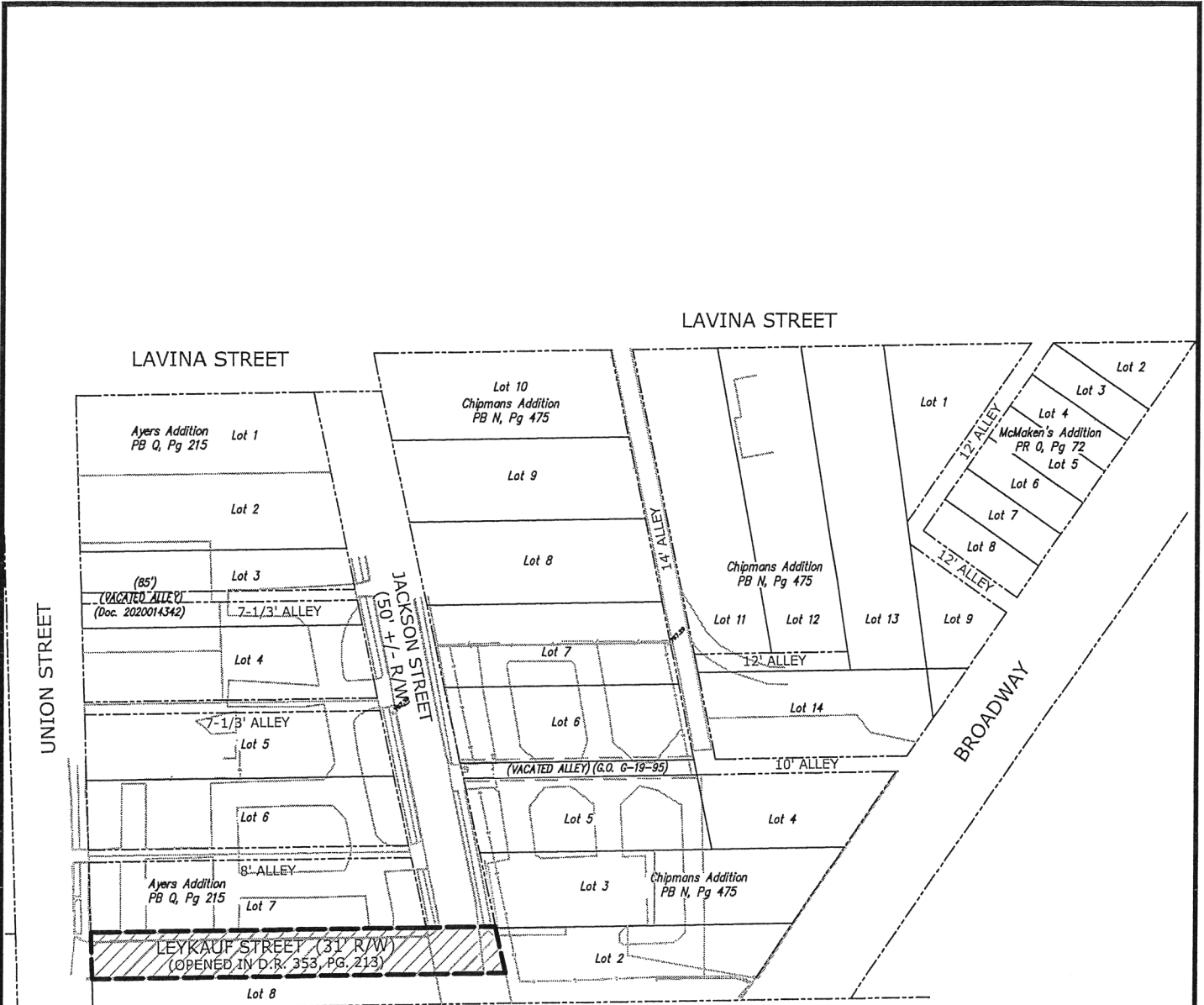
Street Address: c/o ANCORA, 701 WEST MAIN STREET #200

City: DURHAM State: NC Zip: 27701 Phone: 919-201-2360


FORT WAYNE, INDIANA
FILED
JUL 15 2021
LANA R. KEESLING
CITY CLERK

Contact: Pete Mallers
260-426-9706

Exhibit for Right-of-way Vacation



LEGEND

 = RIGHT-OF-WAY TO BE VACATED

G **G** **J** **J**
GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.
 1133 BROADWAY FORT WAYNE, IN 46802
 PH [260] 424-5362 FAX [260] 424-4916

DESCRIPTION OF PROPOSED LEYKAUF STREET RIGHT-OF-WAY VACATION

The entirety of Leykauf Street as opened in Deed Record 353, page 213 and depicted in Plat Record 14, page 120 in the Office of the Recorder of Allen County, Indiana.

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

ORDINANCE NO. G-21-07-14

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 10, 2021 AT 5:30 P.M., IN ROOM 035 – COUNCIL CHAMBERS COURTROOM – GARDEN LEVEL CITIZENS SQUARE , 200 E. BERRY, FORT WAYNE, INDIANA 46802; A REQUEST TO VACATE AN AREA KNOWN AS:

LOCATION: All of Leykauf Street between Union and Jackson Streets

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, MODIFIED AND CONFIRMED, OR RESCINDED ON TUESDAY, AUGUST 10, 2021.

ADDITIONAL INFORMATION CAN BE VIEWED AT THE DEPARTMENT OF PLANNING SERVICES OFFICE IN CITIZEN'S SQUARE: 200 E. BERRY ST, SUITE 150.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. ANY PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICE (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

*LANA R. KEESLING
CITY CLERK*

DEPARTMENT OF PLANNING SERVICES

SUITE 150, CITIZENS SQUARE
200 EAST BERRY
FORT WAYNE, IN 46802

260-449-7607
260-449-7682
WWW.ALLENCOUNTY.US

TO: All interested persons
FROM: Michelle Wood, RLA
Senior Land Use Planner
RE: Public Hearing Notice
DATE: July 27, 2021

We are sending this courtesy notice to let you know the Common Council of Fort Wayne, Indiana will hold a public hearing **Tuesday August 10, 2021 at 5:30 p.m.** The Council will hold the hearing in **Room 035 of the Citizens Square Building at 200 East Berry Street.** Room 035 is on the Garden Level (basement) of the building. The agenda for the hearing includes the following request.

PROPOSAL: VROW-2021-0004
BILL NO: G-21-07-14
APPLICANT: Broadway Redevelopment Partners, LLC
REQUEST: To vacate all of Leykauf Street, as opened in Deed Record 353, Page 213.
LOCATION: Leykauf Street runs between Union Street and Jackson Street.
COUNCIL DISTRICT: 5-Geoff Paddock

We have additional information regarding this application at our office at Suite 150, Citizens Square, 200 East Berry Street. We are sending you this notice because you own property that is adjacent to the above request. This public hearing is your chance to offer input you may have regarding the request.

Thank you for your attention to this matter. Please call this office if you have any questions.

**Department of Planning Services
200 East Berry, Suite 150
Fort Wayne, IN 46802
260-449-7607**



INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The Journal Gazette**.

Notice ID: q2r7IGRO7VCcM7KK4nJi | **Proof Updated: Jul. 28, 2021 at 09:25am EDT**
Notice Name: G-21-07-14

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Lisa Petretta

lisa.petretta@cityoffortwayne.org

FILING FOR

Gov: Fort Wayne City

Clerk's Office

Columns Wide: 1

Ad Class: Legals

30 Jul 2021 - Custom 26.95

Subtotal \$26.95

Tax % 0.00

Total \$26.95

See Proof on Next Page

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

ORDINANCE NO. G-21-07-14

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ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

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LANA R. KEESLING
CITY CLERK
7--30 hspaxlp

The Journal Gazette

Allen County, Indiana

Account Name
Gov: Fort Wayne City Clerk's Office

Notice ID: q2r7lGRO7VCcM7KK4nJi

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines

Head – number of lines _____

Body – number of lines _____

Tail – number of lines _____

Total number of lines in notice 54

COMPUTATION OF CHARGES

54 lines, 1 column(s) wide equal:

54 equivalent lines at \$ 0.4990 cents per line \$26.95

Additional charges for notices containing rule or tabular work
(50 percent of above amount) \$

Electronic processing fee \$0.00

TOTAL AMOUNT OF CLAIM \$26.95

DATA FOR COMPUTING COST

Width of single column in picas 9.8 Size of type 7point.

Number of Insertions 1

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 times.

The dates of publication being as follows:

7/30/21 _____

Additionally, Newspaper has a Web site and this public notice was posted on the same day as it was published in The Journal Gazette.

Date: 7/30/2021

Karisa Harris
Legal Clerk

ATTACH COPY OF ADVERTISEMENT

ORDINANCE NO. G-21-07-14

NOTICE IS HEREBY GIVEN THAT THE CITY OF FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON AUGUST 10, 2021 AT 5:00 P.M. IN ROOM 035 - COUNCIL MEMBERS COURTROOM - GARDEN LEVEL, CITIZENS SQUARE, 200 E. BERRY, FORT WAYNE, INDIANA 46702; A REQUEST TO VACATE AN ALLEY KNOWN AS:

**ATTENTION: All of Leykauf Street between
in and Jackson Streets**

COMMON COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE ABOVE DESCRIBED RESOLUTION SHOULD BE CONFIRMED, AMENDED AND CONFIRMED, OR DELETED ON TUESDAY, AUGUST 10, 2021.

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INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD AT THE PUBLIC HEARING.

REASONABLE ACCOMMODATIONS WILL BE PROVIDED FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH STATE AND FEDERAL LAW. A PERSON NEEDING A REASONABLE ACCOMMODATION SHOULD NOTIFY PUBLIC INFORMATION OFFICER (260) 427-1120, TTY (260) 427-1200, AT LEAST SEVENTY-TWO HOURS PRIOR TO THE MEETING.

LANA R. KEESLING
CITY CLERK
7--30 hspaxlp

RIGHT OF WAY VACATION – PUBLIC HEARING
Department of Planning Services

VROW 2021 0004	Bill #G-21-07-14	Project Start: July 27, 2021
APPLICANT:	Broadway Redevelopment Partners, LLC	
REQUEST:	To vacate all of Leykauf Street, as opened in Deed Record 353, Page 213.	
LOCATION:	Leykauf Street runs between Union Street and Jackson Street.	
COUNCIL DISTRICT:	District 5 – Geoff Paddock	
PUBLIC HEARING DATE:	August 10, 2021	

PROJECT SUMMARY

The petitioner is Broadway Redevelopment Partners, LLC, the development group responsible for the Electric Works Phase II project, on the north side of the Electric Works Phase I and the railroad tracks, and the west side of Broadway. The development will include a parking garage, surrounded by residential units, a daycare, a fitness center, and retail spaces. This petition is one of four vacation requests for the project. The development plan requires the rerouting of streets and removal of alleys. New circulation patterns and utility easements will be created as part of the development. Staff has sent requests for comment from all affected utility agencies.

City Plan: Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.

Traffic Engineering:
Stormwater Engineering:
Water Engineering:
WPC Engineering – Sanitary:
Fire Department:
Land Acquisition Agent:
Frontier:
Comcast Cable:
AEP:
NIPSCO:

Grounds for Remonstrance for Vacation Requests (I.C. 36-7-3-13):

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

VROW-2021-0004

Bill No. G-21-07-14

Right of Way Vacation – Notifications

**The Clerk's Office placed legal notification in the Fort Wayne Newspaper.
DPS Staff notified the following by Certified Mail:**

PIN/Property Address:

Property Owner of Record:

021211118011000074

Broadway Redevelopment Partners LLC
701 W Main Street, Suite 200
Durham, NC 27701

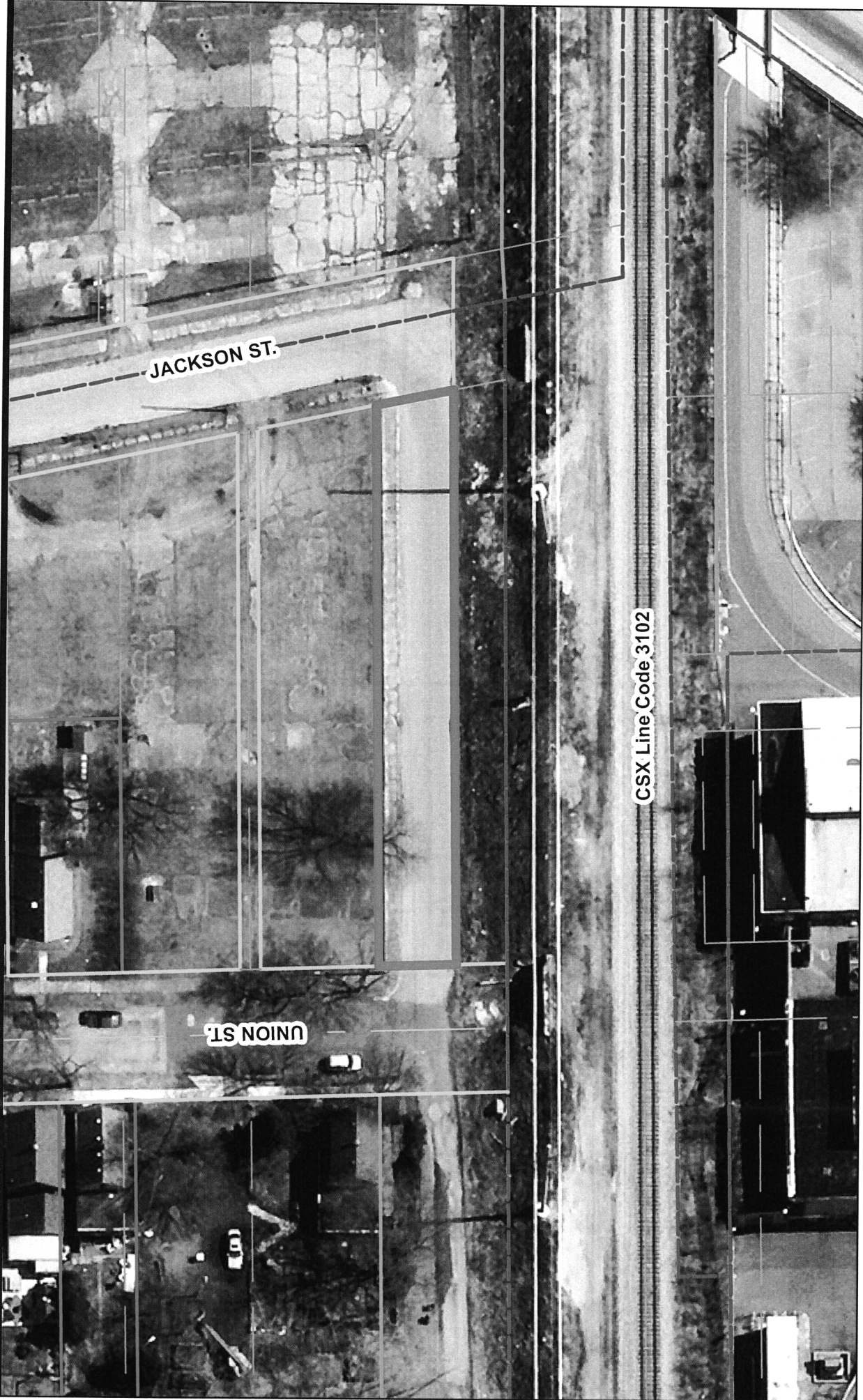
021212501001000074

Railroad right-of-way

CSX Transportation Inc.
4701 Cox Road, Suite 301
Glen Allen, VA 23060-6802

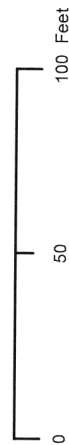
DPS Staff notified the following by Email as a courtesy:

Community Liaison, Palermo Galindo
Southwest Area Partnership
West Central



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© 2004 Board of Commissioners of the County of Allen
North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 7/21/2021



1 inch = 50 feet

V/POW-2021 -
"B"

CITY OF FORT WAYNE

Vacation Petition

City Clerk / Suite 110 / Citizens Square Building / 200 East Berry Street / Fort Wayne IN 46802 /260.427.1221

I/We do hereby petition to vacate the following:

_____ Easement X _____ Public Right of Way (street or alley)

More particularly described as follows:

SEE "EXHIBIT A" ATTACHED

(Please Attach a Legal Description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

DEED BOOK NUMBER: 353 PAGE(S) NUMBER(S): 213 (This information can be obtained from the Allen County Recorder's Office on the 2nd Floor, City-County Building, One Main Street, Fort Wayne, IN)

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LAND DEVELOPMENT

(If additional space is needed please attach separate page.)

The applicant on an attached sheet must also provide the names and addresses of all adjacent property owner(s). The information on that sheet must be as follows:

Property owner(s) Name(s); Street Address; City; State; Zip Code; Phone Number with Area Code.

Applicant's name(s) if different from property owner(s):

Name: BROADWAY REDEVELOPMENT PARTNERS, LLC

Street Address: c/o ANCORA, 701 WEST MAIN STREET #200

City: DURHAM

State: NC

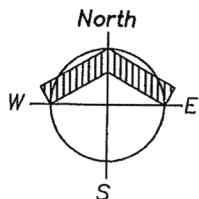
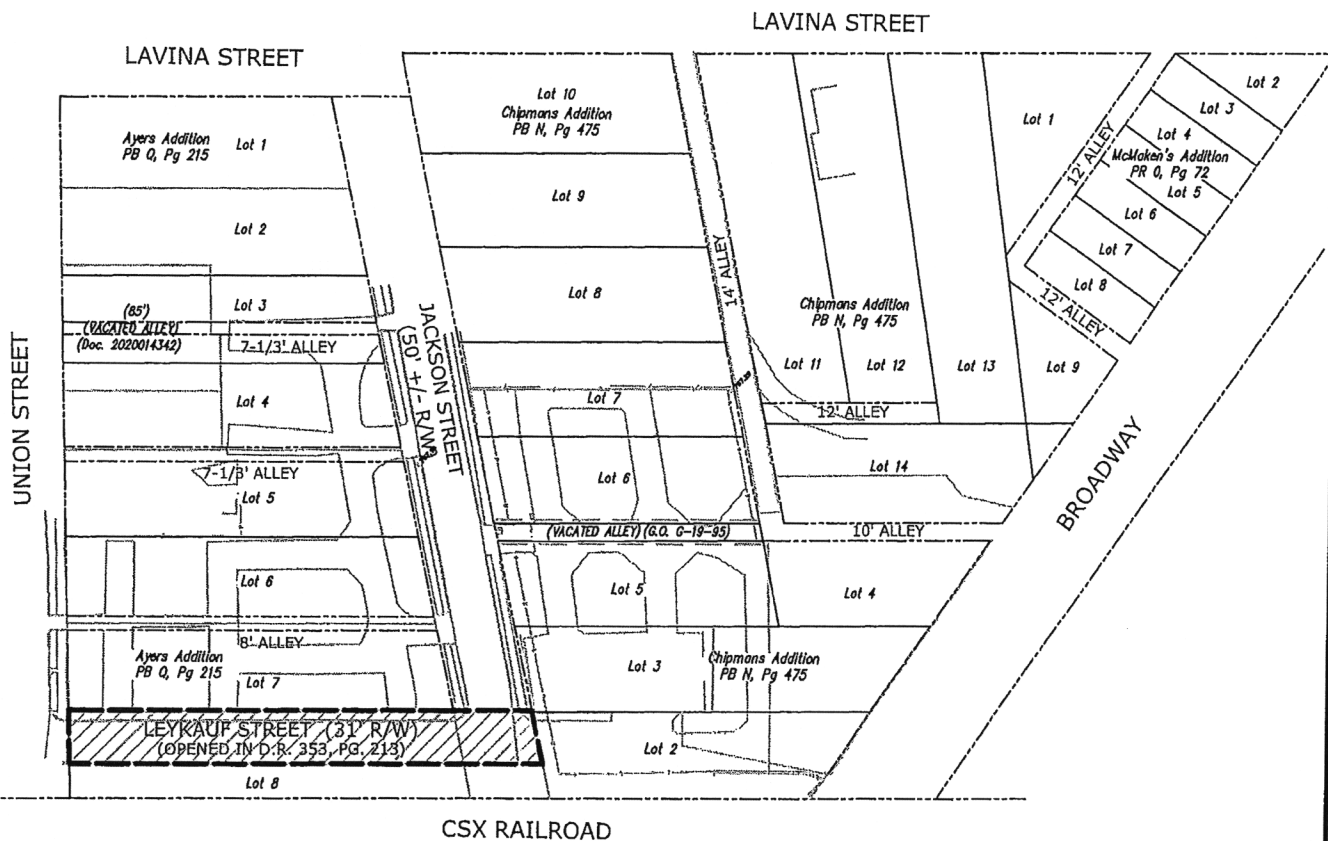
Zip: 27701

Phone: 919-201-2360


FORT WAYNE, INDIANA
FILED
JUL 15 2021
LANA R. KEESLING
CITY CLERK

contact: Pete Mallers
260-426-9706

Exhibit for Right-of-way Vacation



LEGEND

 = RIGHT-OF-WAY TO BE VACATED

GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.
 1133 BROADWAY FORT WAYNE, IN 46802
 PH (260) 424 - 5362 FAX (260) 424 - 4916

Exhibit "A" - Page 2 of 2

DESCRIPTION OF PROPOSED LEYKAUF STREET RIGHT-OF-WAY VACATION

The entirety of Leykauf Street as opened in Deed Record 353, page 213 and depicted in Plat Record 14, page 120 in the Office of the Recorder of Allen County, Indiana.

RIGHT OF WAY VACATION – DISCUSSION AND PASSAGE
Department of Planning Services

VROW 2021 0004	Bill #G-21-07-14	Project Start: July 27, 2021
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APPLICANT:	Broadway Redevelopment Partners, LLC
REQUEST:	To vacate all of Leykauf Street, as opened in Deed Record 353, Page 213.
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PUBLIC HEARING DATE:	August 10, 2021

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City Plan:	Indiana Code (36-7-3-16 (b)) states that any public utility occupying a public way or easement shall not be deprived of the use of the public way for the location and operation of existing facilities. The petitioner shall provide all necessary easements (as approved) at the time the vacation petition is recorded.
Traffic Engineering:	Approved
Stormwater Engineering:	Approved
Water Engineering:	Approved
WPC Engineering – Sanitary:	Approved
Fire Department:	Approved
Land Acquisition Agent:	Approved
Frontier:	Approved
Comcast Cable:	Approved
AEP:	Approved
NIPSCO:	Approved

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VROW-2021-0004

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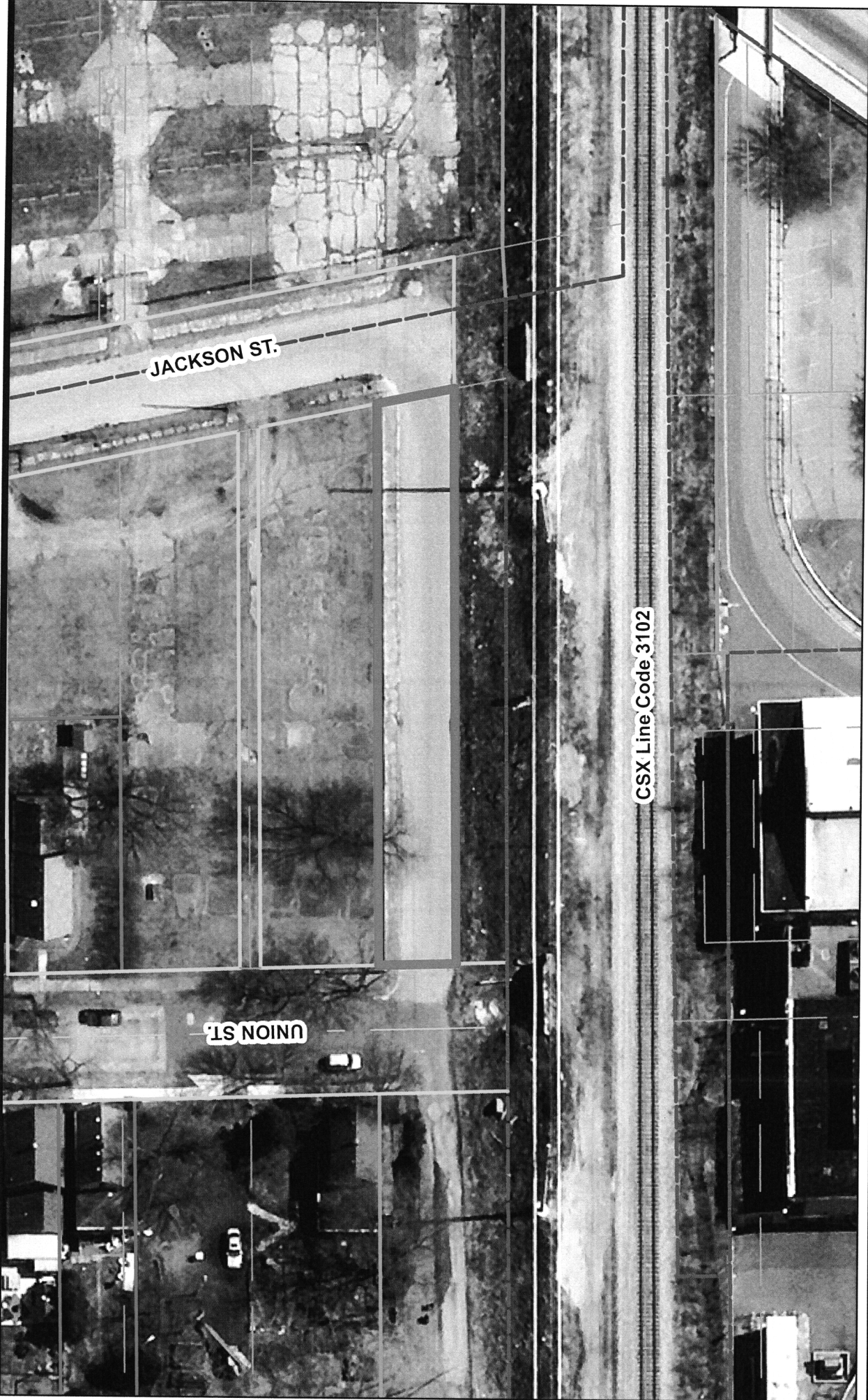
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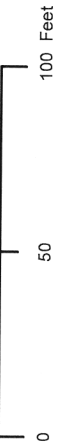
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West Central



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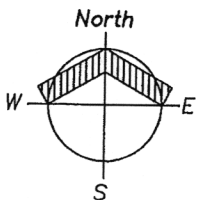
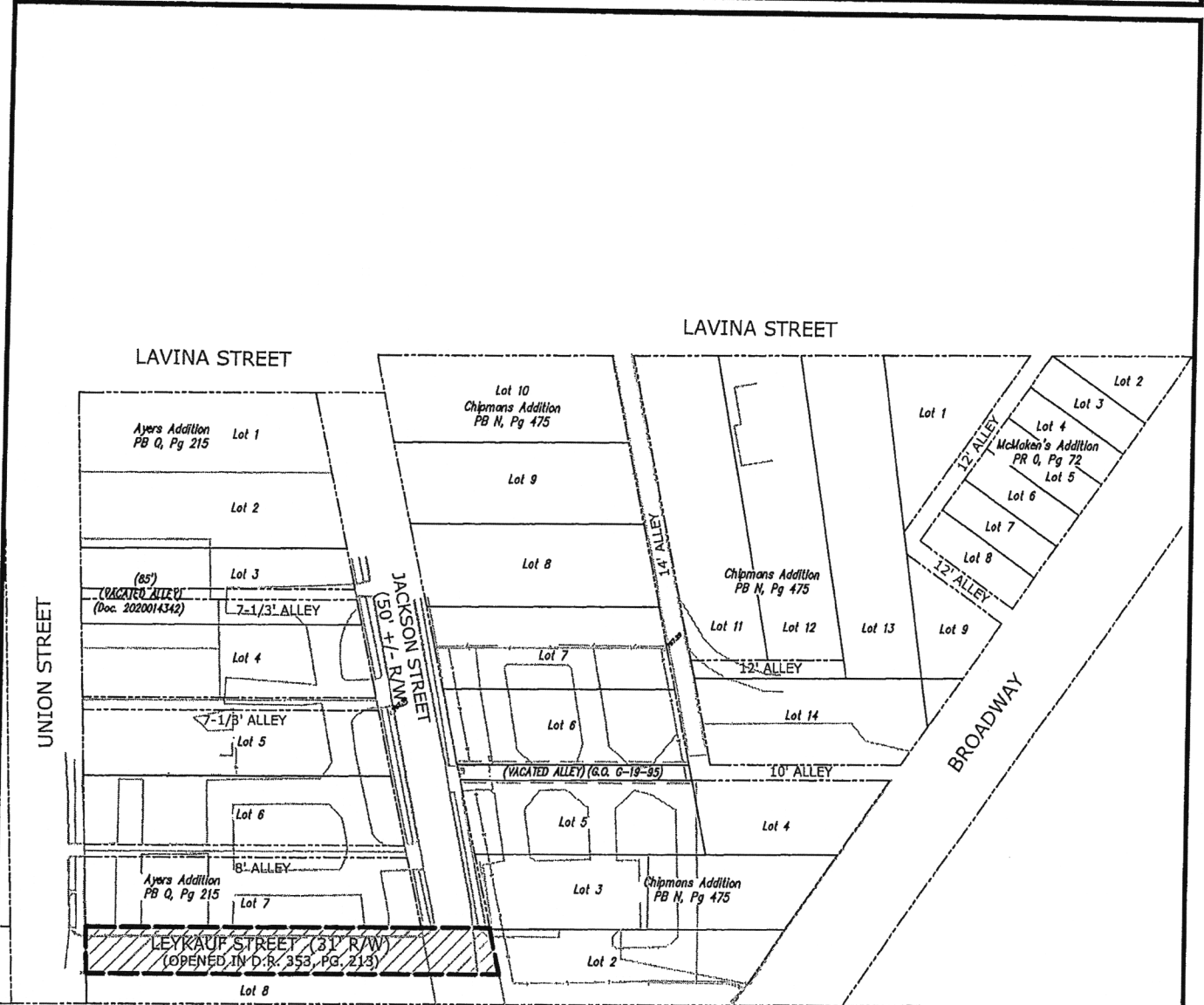
Street Address: c/o ANCORA, 701 WEST MAIN STREET #200

City: DURHAM State: NC Zip: 27701 Phone: 919-201-2360

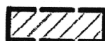
FORT WAYNE, INDIANA
FILED
JUL 15 2021
LANA R. KEESLING
CITY CLERK

contact: Pete Mallers
260-426-9706

Exhibit for Right-of-way Vacation



LEGEND

 = RIGHT-OF-WAY TO BE VACATED



GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.

1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424 - 5362 FAX (260) 424 - 4916

Exhibit "A" - Page 2 of 2

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09/21/2021 1:46:55 PM
CITY OF FT WAYNE CLERKS OFFICE

0.00
NICOLEK
TRANSACTION # 4520472

2021063360	ORDINANCE	0.00
2021063361	ORDINANCE	0.00
2021063362	ORDINANCE	0.00
2021063363	ORDINANCE	0.00

RECORDING FEES: 0.00
TOTAL: 0.00
CASH: 0.00

THANK YOU

ANITA MATHER
RECORDER
ALLEN COUNTY, IN

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Platted Road Right-of-Way Vacation
Case Number: VROW-2021-0004
Bill Number: G-21-07-14
Council District: 5 – Geoff Paddock

Introduction Date: July 27, 2021
Public Hearing Date: August 10, 2021 to be heard by Council
Next Council Action: Ordinance will return to Council after recommendation by reviewing agencies.

Synopsis of Ordinance: To vacate all of Leykauf Street, as opened in Deed Record 353, Page 213.

Location: Leykauf Street runs between Union Street and Jackson Street.

Reason for Request: To allow for the development of Electric Works, Phase II.

Applicant: Broadway Redevelopment Partners LLC

Property Owners: Broadway Redevelopment Partners LLC

Related Petitions: Primary Development Plan, Electric Works, Phase II

Effect of Passage: Leykauf Street will be redesigned to serve the new development at Electric Works Phase II. Vehicular access will continue through and around the development, with a drive that will connect to Union and eventually back to Lavina Street.

Effect of Non-Passage: The street will remain as dedicated. Plans for Electric Works Phase II could not be constructed as approved.

BILL NO. G-21-07-14

REPORT OF COMMITTEE ON REGULATIONS
September 14, 2021

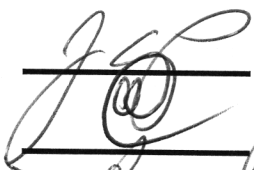
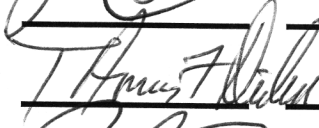



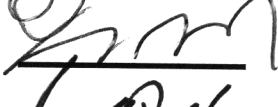


Geoff Paddock Chair

Tom Freistroffer Co-Chair

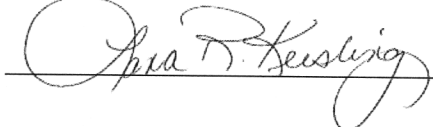
All Council Members

An Ordinance amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating public right-of-way - *To vacate all of Leykauf Street between Union and Jackson Streets*

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

<u>COUNCIL MEMBER</u>	<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>
<u>ARP</u>			
<u>CHAMBERS</u>			
<u>DIDIER</u>			
<u>ENSLEY</u>			
<u>FREISTROFFER</u>			
<u>HINES</u>			
<u>JEHL</u>			
<u>PADDOCK</u>			
<u>TUCKER</u>			

LANA R. KEESLING
CITY CLERK



Public Hearing Date: August 10, 2021


Read the first time in full and on motion by Councilperson Paddock.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilperson Paddock, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 14, 2021


LANA R. KEESLING, CITY CLERK

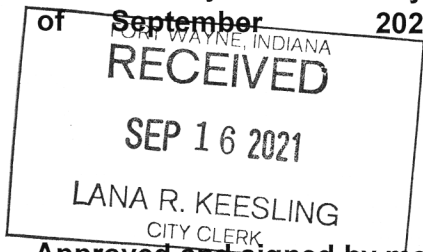
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-21-07-14 on the 14th day of September, 2021

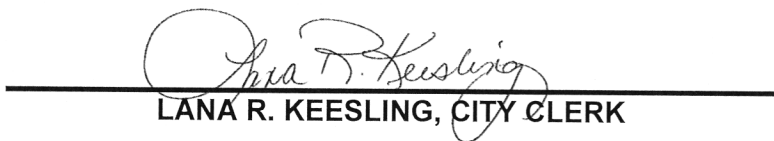
ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of September 2021, at the hour of 11:40 o'clock A.M. E.S.T.




LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15th day of SEPTEMBER 2021, at the hour of 5:00 o'clock PM E.S.T.


THOMAS C. HENRY, MAYOR