

**RESOLUTION NO. R-49-09**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING AN AGREEMENT BETWEEN THE CITY OF FORT WAYNE, BY AND THROUGH ITS BOARD OF PUBLIC WORKS AND 3 SHEETS DEVELOPMENT, LLC FOR REIMBURSEMENT OF COSTS FOR THE CONSTRUCTION OF A PUBLIC ROADWAY AND PATH LOCATED AT THE NORTHEASE CORNER OF FERNHILL AND WELL ST.**

**WHEREAS**, the City of Fort Wayne and the Board of Park Commissioners, 3 Sheets Development, LLC and OMD Holdings-Lima Road, LLC entered into a Memorandum of Understanding (attached hereto and made a part hereof), concerning the construction and management of the Ice Complex; and

**WHEREAS**, the City of Fort Wayne has pledged \$200,000 in CEDIT funds and District 3 has pledged \$50,000 in CEDIT funds to be used by 3 Sheets Development, LLC to construct a public roadway and path within the development located at the Northeast corner of Fernhill and Wells St.

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

**SECTION 1.** The Common Council of the City of Fort Wayne, Indiana, hereby ratifies and approves the Agreement between the City of Fort Wayne and 3 Sheets Development, LLC for the reimbursement of costs associated for the construction of a public roadway and path within the development located at the Northeast corner of Fernhill and Wells St.

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

Thomas F. Didier  
Council Member

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

AYES: Seven  
Bender, Brown, Didier, Goldner,  
Harper, Hines, Smith  
NAYS: One  
Shoaff  
ABSTAINED: One  
Pape  
ABSENT: None

DATED: 9-22-09

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-49-09 on the 22<sup>nd</sup> day of September, 2009

ATTEST:

SEAL

Sandra E. Kennedy  
City Clerk

Thomas E. Smith  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of September, 2009, at the hour of 11:30 o'clock A.M. E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 23rd day of September, 2009, at the hour of 2:00 o'clock P.M, E.S.T.

Thomas C. Henry  
Mayor