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2 BILL NO. R-14-07-36

3
4 RESOLUTION NO. R-169-14

5 **A Resolution confirming an approving order of**
6 **the Fort Wayne City Plan Commission and**
7 **confirming Resolution 2014-09 of the Fort**
8 **Wayne Redevelopment Commission**
9 **concerning the Civic Center Urban Renewal**
10 **Area Amendment XI**

11 WHEREAS, on May 12, 2014, the Fort Wayne Redevelopment
12 Commission adopted Resolution 2014-09, approving Amendment XI, Civic
13 Center Urban Renewal Area, a copy of which Resolution 2014-09 is attached
14 hereto, made a part hereof, and marked Exhibit A; and

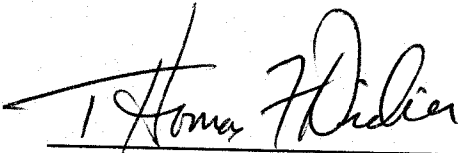
15 Whereas, on June 16, 2014, the Fort Wayne City Plan Commission at
16 its Business Meeting considered for adoption and issued a written order that
17 approved said Resolution 2014-09 and the Amendment XI, Civic Center
18 Urban Renewal Area, a copy of which approving order is attached hereto,
19 made a part hereof and marked "Exhibit B"; and

20 WHEREAS, the Fort Wayne Redevelopment Commission and the
21 Fort Wayne City Plan Commission took the forgoing actions as set forth in
22 the preceding two paragraphs herein are in accordance with the provisions
23 of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of
24 the Acts of 1981 of the General Assembly of the State of Indiana, as
25 amended and supplemented);
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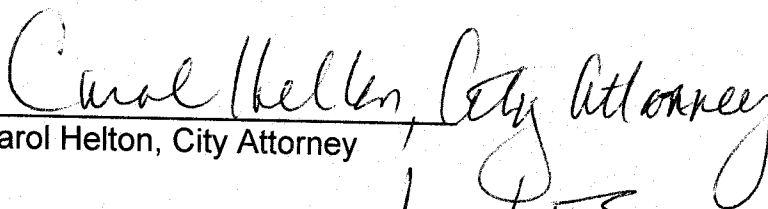
1
2 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON**
3 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

4 SECTION 1. That the said actions of the Fort Wayne Redevelopment
5 Commission and the Fort Wayne City Plan Commission are hereby
6 approved, ratified, and confirmed.

7 **SECTION 2.** That this resolution shall be in full force and affect from
8 and after its passage and approval by the Fort Wayne Common Council and
9 all necessary approval by the Mayor.

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11
12 
13 _____
14 Council Member

15
16 APPROVED AS TO FORM AND LEGALITY

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18 
19 _____
20 Carol Helton, City Attorney
21 by LES
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RESOLUTION 2014-09

DECLARATORY RESOLUTION
CIVIC CENTER URBAN RENEWAL AREA, AMENDMENT XI (URA)

WHEREAS, the Fort Wayne Redevelopment Commission (FWRC) has made investigations, studies and surveys of various areas in the City of Fort Wayne that demonstrate the need for redevelopment and;

and
WHEREAS, such investigations, studies and surveys have been made in cooperation with various departments and bodies of the City and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values. As a result of such investigations, studies and surveys, the Commission has found that the area described herein, Amendment XI to the Civic Center Urban Renewal Area, is in need of redevelopment. Specifically, the following described area (Area) in the City of Fort Wayne, Indiana, is found to be requiring the use of enabling legislation provided by Indiana Code 36-7-14 to enact and facilitate the provisions contained in the foregoing resolution to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operations of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981) of the General Assembly of the State of Indiana, as amended and supplemented (the Act), and which Area is bounded and described in Exhibit A, attached hereto and incorporated by reference herein; and that the public health, safety and welfare would be benefited by the development of the Area under the provisions of said Act; and

WHEREAS, the Commission has heretofore caused to be prepared maps and plats showing the boundaries of the herein described URA, the location of the various parcels of real estate, streets, alleys, and other features affecting the development of the Area, and the portions of the Area which are to be devoted to streets, alleys, sewerage, playgrounds and other public purposes; and

WHEREAS, there was presented to the Commission an overview of the "Downtown Mixed Use Residential, Commercial and Parking Project" consisting of a new national headquarters office building, with an estimated investment value of \$29 million; a residential condominium / apartment building with a street level retail component with an estimated investment value of \$30 million and a publicly owned parking garage structure with an estimated investment value of \$38 million proposed to be constructed in the Area, as a private public partnership; and

Whereas, this Commission has at a meeting open to the public, heard evidence and reviewed the maps and plats presented at the meeting and has considered same.

NOW, THEREFORE BE IT RESOLVED by the Fort Wayne Redevelopment Commission, Governing Body of the City of Fort Wayne, Department of Redevelopment, that the Commission, upon considering the testimony, reports and evidence presented to this meeting, hereby finds that Area described in Exhibit "A" to this resolution is in need of redevelopment to an extent that cannot be corrected by regulatory processes or the ordinary operations of private enterprise without resort to the provisions of Chapter 14, Indiana Code, Redevelopment of Areas Needing Redevelopment Generally; Redevelopment Commissions

BE IT FURTHER RESOLVED that in all proceedings relating to the development of the area, herein described, shall be referred to as Amendment XI, Civic Center Urban Renewal Area.

BE IT FURTHER RESOLVED that the Commission now declares the herein described Area to be in need of redevelopment and a menace to the social and economic interests of the City of Fort Wayne and its inhabitants and that the redevelopment of the Area shown on the above referenced maps and plats under the provisions of the Act will be of public utility and benefit and that the Redevelopment Commission will acquire the land and interests within said Area as indicted on the maps and plats included with this resolution.

BE IT FURTHER RESOLVED that the Commission now makes the following findings:

- a. The Amendment will enable the development of the proposed Project in the Area and will appropriately address an area needing redevelopment, it will stimulate new growth and development in a signature way that has not occurred in Downtown Fort Wayne for over 20 years, and it will result in the reuse and redevelopment of underutilized and vacant land
- b. The Project envisioned by the Amendment to the URA cannot be achieved without the designation of the amended area into the URA because of the need to use enabling legislation provided by IC 36-7-14 along with factors indicating the need for redevelopment, including a general lack of development in the AREA.
- c. The ordinary operation of private enterprise and regulatory processes are unable to correct the conditions noted in the Amendment for the Area.
- d. The public health, safety and welfare will be benefited by the approval of the Amendment and its envisioned Project.
- e. The approval of the Amendment will be of public utility and benefit in that its implementation will result in the construction of a signature downtown redevelopment

- project with a \$97 million estimated investment value, large scale job creation and retention, positive economic development spinoff and reenergized downtown revitalization.
- f. The Amendment conforms fully to other development and redevelopment plans for the City of Fort Wayne, namely: Plan - It - Allen
 - g. Approval of the Amendment is reasonable and appropriate when considered in relation to the Original Urban Renewal Plan and its ten (10) amendments, in accordance with I.C. 36-7-14-39.

BE IT FURTHER RESOLVED pursuant to Section 36-7-14-39 of the Act that:

- a. As use in this Resolution for the purpose of the distribution and allocation of real property taxes, "allocation area" means all of the area described in Exhibit A to this Declaratory Resolution.
- b. Any real property taxes hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property in the allocation area described in this Declaratory Resolution shall be allocated and distributed as follows:
 1. Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of:
 - i. The assessed value (true tax value) of such property for the assessment date with respect to which allocation and distribution is made; or
 - ii. The base assessed value

Shall be allocated to and, when collected, paid into funds of the respective taxing units.

2. Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the economic development district and, when collected, paid into a special fund for that allocation area that may be used by the district only to do one or more of the following:
 - i. Pay the principal of and the interest on any obligations payable solely from allocated tax proceeds that are incurred by the economic development district for the purpose of financing or refinancing the redevelopment of that area.
 - ii. Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.
 - iii. Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under IC 36-7-14-27
 - iv. Pay the principal of and interest on bonds issued by the City of Fort Wayne to pay for local public improvements in or serving the allocation area.
 - v. Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.
 - vi. Make payments on leases payable from allocated tax proceeds in that allocation area under IC 36-7-14-25.2
 - vii. Reimburse the City of Fort Wayne for expenditures made by it for local public improvements [which include buildings, parking facilities, another items described in IC 36-7-14-25.1(a)] in or serving the allocation area.
 - viii. Reimburse the City of Fort Wayne for rentals paid by it for buildings or parking facilities in or serving the allocation area under any lease entered into under IC 36-1-10.
 - ix. Pay all or a portion of a property tax replacement credit to taxpayers in the allocation area as determined by the Commission by separate resolution.
 - x. Pay expenses incurred by the Commission for local public improvements that are in or serving the allocation area [which include buildings, parking facilities, and other items described in IC 36-7-14-25.1(a)].
 - xi. Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located: (a) in the allocation area; and (b) on a parcel of real property that has been classified as industrial property under the rules of the Department of Local Government Finance.
3. When the monies in the allocation area are sufficient to pay when due all principal and interest on bonds described herein, and is not needed for the other purposes stated herein, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in subdivision (1) of this section.

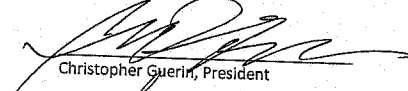
BE IT FURTHER RESOLVED that a copy of this resolution, together with supporting data be submitted to the City Plan Commission of Fort Wayne for examination by that body and its determination as to whether this Declaratory Resolution conform to the master plan of development for the City (Plan It Allen) and its written order approving or disapproving this Declaratory and Economic Development Plan.

IT IS FURTHER RESOLVED that if the City Plan Commission issues an approving order, the same shall be transmitted to the Common Council of the City of Fort Wayne for its approval.

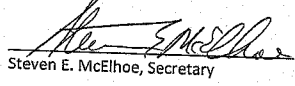
BE IT FURTHER RESOLVED that upon receipt of the written order of approval of the City Plan Commission and the approval of the Common Council, a notice shall be published in accordance with the requirements of Indiana Code fixing a date for the receiving and hearing of remonstrances and objections from all persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

BE IT FURTHER RESOLVED that the expiration date of the allocation provision of this Declaratory Resolution is twenty-five (25) years from the date hereof.

FORT WAYNE REDEVELOPMENT COMMISSION



Christopher Guerin, President



Steven E. McElhoe, Secretary

Adopted: 12 May 2014

EXHIBIT A

AMENDMENT XI, CIVIC CENTER URBAN RENEWAL AND TAX ALLOCATION AREA
REAL ESTATE PARCEL LISTING

Key #	Owner	Address	Description	Notes
02-12-02-452-009.000-074	City of Fort Wayne Department of Redevelopment	232 West Wayne Street	Commercial Bldg.	
02-12-02-452-007.000-074	City of Fort Wayne Department of Redevelopment	827 Webster Street	Commercial Bldg.	
02-12-02-452-006.000-074	City of Fort Wayne Department of Redevelopment	823 Webster Street	Commercial Bldg.	
02-12-02-452-005.000-074	City of Fort Wayne Department of Redevelopment	819 Webster Street	Commercial Bldg.	
02-12-02-452-002.000-074	City of Fort Wayne Department of Redevelopment	221 West Berry Street	Parking Lot	
02-12-02-452-012.000-074	City of Fort Wayne Department of Redevelopment	220 West Wayne Street	Commercial Bldg.	
02-12-02-452-011.000-074	City of Fort Wayne Department of Redevelopment	222 West Wayne Street	Commercial Bldg.	
02-12-02-452-008.000-074	Board of Parks Commissioners	250 West Wayne Street	Park	To Be Acquired

EXHIBIT _____

LEGAL DESCRIPTION OF THE CIVIC CENTER URBAN RENEWAL AREA
(ORIGINAL AREA THROUGH AMENDMENT X)

BEGINNING at the intersection of the southerly right-of-way line of East Jefferson Boulevard and the easterly right-of-way line of South Clinton Street; thence northerly along said easterly right-of-way line of South Clinton Street to the northerly right-of-way line of the alley running east to west from South Clinton Street to Barr Street between and parallel to East Wayne Street and East Washington Boulevard; thence easterly along the northerly right-of-way line of said alley for a distance of approximately 235 feet to the easterly property line of Lot 176 of the Original Plat of the Town, now City, of Fort Wayne; thence northerly along said easterly property line of Lot 176 of the Original Plat of the Town, now City, of Fort Wayne, for a distance of approximately 150 feet to the southerly right-of-way line of East Wayne Street; thence easterly along said southerly right-of-way line of East Wayne Street to the easterly right-of-way line of Barr Street, said easterly right-of-way line of Barr Street being the same as the westerly property line of lots 2, 3, and 4 of Samuel Hanna's 1st Addition; thence northerly along said easterly right-of-way line of Barr Street to the southerly right-of-way line of the alley running east to west from Barr Street to Lafayette Street between and parallel to East Berry Street and East Wayne Street; thence easterly along the southerly right-of-way line of said alley distance of approximately 287.4 feet to the easterly property line of Lot 272 of Samuel Hanna's 1st Addition; thence northerly along said easterly property line of Lot 272 of Samuel Hanna 1st Addition and continuing northerly along the easterly property line of Lot 64 of County Addition for a distance of approximately 164 feet to the southerly right-of-way line of East Berry Street; thence westerly along said southerly right-of-way line of East Berry Street to the easterly right-of-way line of Barr Street; thence northerly along said easterly right-of-way line of Barr Street to the northerly right-of-way line of East Main Street; thence westerly along said northerly right-of-way line of East Main Street to the westerly right-of-way line of South Clinton Street; thence northerly along said westerly right-of-way line of South Clinton Street to the southerly right-of-way line of the Norfolk & Western Railroad; thence westerly along said southerly right-of-way line of the Norfolk & Western Railroad to the easterly right-of-way line of South Calhoun Street; thence southerly along said easterly right-of-way line of South Calhoun Street to the southerly right-of-way line of East Main Street; thence easterly along the southerly right-of-way line of East Main Street to the westerly right-of-way line of Court Street; thence southerly along said westerly right-of-way line of Court Street to the northerly right-of-way line of East Berry Street; thence easterly along said northerly right-of-way line of East Berry Street to the intersection with an extension of the westerly property line of Lot 509 of Hanna's Addition; thence southerly along said extension of the westerly property line of Lot 509 of Hanna's Addition, the property line itself, and the westerly property line of Lot 494 of Hanna's to the northerly right-of-way line of West Wayne Street; thence westerly along said northerly right-of-way line of West Wayne Street to the westerly right-of-way line of Webster Street; thence southerly along said westerly right-of-way line of Webster Street to the northerly right-of-way line of West Washington Boulevard; thence westerly along said northerly right-of-way line of West Washington Boulevard to the westerly right-of-way line of Ewing Street; thence southerly along said westerly right-of-way line of Ewing Street to the intersection with an extension of the southerly right-of-way line of Lewis Street; thence easterly along said extension of the southerly right-of-way line of Lewis Street, and the southerly right-of-way line of Lewis Street itself, to the easterly right-of-way line of South Calhoun Street; thence northerly along said easterly right-of-way line of South Calhoun Street to the southerly right-of-way line of East Jefferson Boulevard; thence easterly along said southerly right-of-way line of East Jefferson Boulevard to the POINT OF BEGINNING.

RESOLUTION AND APPROVING ORDER OF THE FORT WAYNE CITY PLAN
COMMISSION FOR THE CIVIC CENTER URBAN RENEWAL AREA, AMENDMENT XI

The Plan Commission of the City of Fort Wayne at its Business Meeting on June 16, 2014 having before it a copy of the Fort Wayne Redevelopment Commission's Declaratory Resolution 2014-13 adopted by the Fort Wayne Redevelopment Commission on May 27, 2014, together with the necessary supporting data, all of which having been duly considered, upon a motion by JUDI WIRE, and seconded by CHERI BECKER, and by a vote of 7 (yea), 0 (nay), adopted the following resolution:


WHEREAS, at the Fort Wayne City Plan Commission's Business Meeting on June 16, 2014, the Fort Wayne Redevelopment Commission submitted to the Plan Commission a copy of Declaratory Resolution 2014-13, together with supporting data, all as required by the Redevelopment of Blighted Areas Act (36-7-14 of the Acts of 1980 of the General Assembly of the State of Indiana, as Amended and Supplemented), and after having been duly considered by the Fort Wayne City Plan Commission, said Amendment XI to the Civic Center Urban Renewal Area is found to conform with the Master Plan of Development for the City of Fort Wayne (Plan It Allen);

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that Amendment XI to the Civic Center Urban Renewal Area conforms to the Master Plan of Development for the City of Fort Wayne, and that said Declaratory Resolution is hereby approved.

BE IT FURTHER RESOLVED that the President of this Commission is hereby authorized to deliver to the Fort Wayne Redevelopment Commission and to the Common Council of the City of Fort Wayne a certified copy of this resolution which shall constitute the order of the Fort Wayne City Plan Commission, as required by law, approving Amendment XI, to the Civic Center Urban Renewal Area.

Approved:

Fort Wayne City Plan Commission


President


Secretary

Date: June 16, 2014
STATE OF INDIANA)
)
COUNTY OF ALLEN) SS:

The foregoing is hereby certified to be a full, true, and correct copy of a resolution adopted by the Fort Wayne City Plan Commission at the Business Meeting of said Commission held June 16, 2014, and as the same appears of record in the official records of said Commission dated the 16th day of June, 2014.

CATHY ELROD
Notary Public, Printed

Date JUNE 16, 2014

CJ ELROD
Signed

Commission Expires MAY 27, 2016

Resident of ALLEN County

DIGEST SHEET

TITLE OF ORDINANCE: Approving Resolution 2014-09 adopted by the Fort Wayne Redevelopment Commission on 12 May 2014 and approved by the Plan Commission on June 16, 2014 regarding Amendment XI to the Civic Center Urban Renewal Area

DEPARTMENT REQUESTING ORDINANCE Redevelopment Commission

SYNOPSIS OF RESOLUTION Approves Resolution 2014-09 adopted by the Fort Wayne Redevelopment Commission on 12 May 2014 and by the Plan Commission on June 16, 2014, regarding the expansion of the Civic Center Urban Renewal Area by approximately .9 acre to fully encompass the site of the Ash Skyline Plaza, Skyline Terrace and Skline Plaza Public Parking Garage.

EFFECT OF PASSAGE The Redevelopment Commission will be able to use its statutory powers to engage all redevelopment activities associated with the project, including the use of tax increment generated from the project for debt service.

EFFECT OF NON-PASSAGE Tax increment generated from the part of the project on the .90 acres proposed to be added to the amended district would not be available for capture, in the opinion of staff, and may require a review of the financing strategy for the 2014 Bond issue presently in the process of review and approval.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$23.5 million bond issue, (not to exceed). Debt service to made by tax increment from the Civic Center URA, Ft Wayne Legacy funds and Capital Improvement Board funding.

ASSIGNED TO COMMITTEE (PRESIDENT) _____



CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

MEMORANDUM

TO: Common Council of the City Fort Wayne

FM: James C. Lindsay *JCL*

RE: Civic Center Urban Renewal Area, Amendment XI

DT: July 17, 2014

On May 27, 2014, the Fort Wayne Redevelopment Commission adopted Resolution 2014-13, copy attached, which proposes to expand the Civic Center Urban Renewal Area, as amended, by 39,247.96 square feet (.90 acre) in downtown Fort Wayne. This is an area generally described as eight (8) real estate parcels with frontage on Berry Street, Webster Street and Wayne Street and will generally encompass part of the building footprint of a transformative Mixed Use Downtown Development Project, now known as the Ash Skyline Plaza and the Skyline Terrace. Details of the development, along with requested variances were presented to the Plan Commission on February 17, 2014. The Development will include commercial office, residential, retail and public parking garage components.

The purpose of Amendment XI is to add the proposed .90 acres to the existing Civic Center Urban Renewal Area. This will provide for project continuity and will allow the Redevelopment Commission to exercise its statutory powers and authority, together with planning jurisdiction, systematically over the project area. It will also enable the collection of tax increment, once generated by the project, to assist in paying debt service for the 2014 Bond Issue currently in the process of consideration and approval.

Pursuant to I.C. 36-7-14-16 and 36-7-14-41, the Plan Commission determined that this resolution is in general conformity to the plan of development for the City of Fort Wayne (Plan It Allen) and authorized it to move forward for consideration by the Common Council of the City of Fort Wayne. As such, the purpose of this memo is to request that consideration of this resolution (attached hereto) be made by City Council. If approved, this plan will be returned to the Redevelopment Commission for a Public Hearing and for further consideration.

Encl

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Public Hearing Date, if applicable _____

Read the first time in full and on motion by Councilman Mitch Harper
Read the second time by title and referred to the Regulations Committee
Committee. Read the third time in full and on motion by Councilman
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>6</u>	_____	_____	<u>3</u>
BENDER	_____	_____	_____	<u>✓</u>
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	_____	_____	_____	<u>✓</u>
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	_____	_____	_____	<u>✓</u>
SMITH	<u>✓</u>	_____	_____	_____

DATED: 8-12-14 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. R-69-14 on the 12th day of
August, 2014

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

Robert A. Bender
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day
of August, 2014, at the hour of 3:00 o'clock P.M. E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of August
2014, at the hour of 10:00 o'clock AM E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR

BILL NO. R-14-07-36

REPORT OF COMMITTEE ON REGULATIONS

AUGUST 5, 2014

*Mitch Harper, Chair
Thomas Didier, Co-Chair
All Council Members*

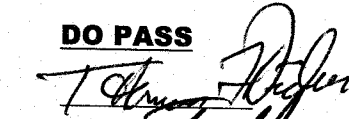
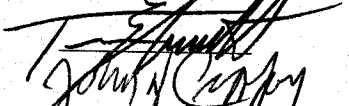
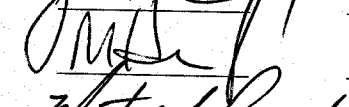
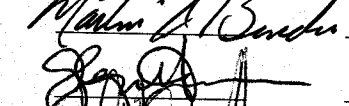
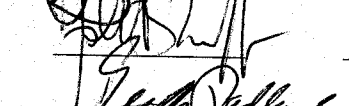
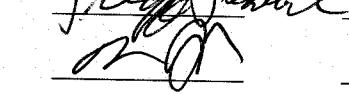
A RESOLUTION confirming an approving order of the Fort Wayne City Plan Commission and Confirming Resolution 2014-09 of the Fort Wayne Redevelopment Commission concerning the Civic Center Urban Renewal Area Amendment XI. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

DO NOT PASS

ABSTAIN

NO REC

	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

**SANDRA E. KENNEDY
CITY CLERK**