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5 **RESOLUTION ACKNOWLEDGING AN AGREEMENT**
6 **BETWEEN THE CITY AND CITY COUNCIL TO REIMBURSE THE**
7 **CITY CREDIT FUND**

8 **WHEREAS**, on January 24, 2017, the City of Fort Wayne Common Council ("City
9 Council") passed resolution R-17-01-21, *Approving the Distribution of Funds from the City of*
10 *Fort Wayne Community Legacy Fund* ("Landing Project Resolution");

11 **WHEREAS**, the Landing Project Resolution provided for, among other items, the use of
12 public funds from the Legacy Fund for the Landing project located in the City of Fort Wayne,
13 said project includes properties at the following addresses: 110 W. Columbia Street, 111 W.
14 Columbia Street, 114 W. Columbia Street, 116 W. Columbia Street, 118 W. Columbia Street,
15 122 W. Columbia Street, 123 W. Columbia Street, 131 W. Columbia Street;

16 **WHEREAS**, the Landing Project Resolution stipulates that should the City, or its
17 departments/divisions, request or attempt to appropriate or divert any local fund, including
18 Legacy, CREDIT, and/or other funds originating from taxpayer dollars, other than those provided
19 for in Landing Legacy Support Documents, for purposes of completing the Landing project
20 defined in the same resolution, the approval of the Landing Project Resolution shall be
21 considered void and automatically rescinded and any funds provided as a result of the Landing
22 Project Resolution shall be placed back in the Legacy Trust Fund by the City;

23 **WHEREAS**, ordinance S-18-09-15, *An Ordinance approving Construction Contract –*
24 *0285P – Columbia Street Streetscape - \$1,431,937.00 between Strebig Construction and the*
25 *City of Fort Wayne, Indiana, in connection with the Board of Public Works* ("Strebig
26 Ordinance") was placed on City Council's agenda after passage of the Landing Project
27 Resolution;

28 **WHEREAS**, the Strebig Ordinance asks City Council to approve a contract between
29 Strebig Construction and the City, authorizing \$1,431,937.00 in public funds from the CREDIT
30 Fund to be utilized for streetscape work in and around the Landing project;

1 **WHEREAS**, the City has reached an agreement with City Council and the
2 Redevelopment Commission, to submit payment by and through the Redevelopment
3 Commission to the CEDIT Fund, in lieu of City Council initiating the process for repayment of
4 funds according to the provisions set forth in the Landing Project Resolution, thus allowing the
5 Strebig Ordinance to move forward before Council;

6 **WHEREAS**, the City, by and through the Redevelopment Commission, desires to pay to
7 the CEDIT Fund amounts greater than or equal to those identified in the schedule attached as
8 "**Exhibit A**" to this resolution and in the time frame illustrated in that same schedule, using
9 funds from the Riverfront I Columbia Street TIF;

10 **WHEREAS**, City Council will waive and otherwise refrain from exercising any rights it
11 may have acquired through the Landing Project Resolution so long as the repayment schedule
12 identified in **Exhibit A** is completed.

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

15
16 **SECTION 1.** City Council waives and hereby agrees to refrain from exercising its
17 rights originating from the Landing Project Resolution passed on January 24, 2018, regarding
18 the use of public funds for the Landing project and City Council's ability to demand repayment
19 of funds so long as the Redevelopment Commission:

- 20 A) passes a resolution to pay the amounts listed in **Exhibit A** to the CEDIT Fund;
- 21 B) makes payments that are greater than or equal to those listed in **Exhibit A** and in
22 the time frame illustrated; and
- 23 C) does not make other requests to appropriate or divert any local fund, including
24 Legacy, CEDIT, and/or other funds originating from taxpayer dollars, other than
25 those provided for in Landing Legacy Support Documents, for purposes of
26 completing the Landing project; provided, however, that (i) future change orders
27 from the Board of Public Works related to the contract(s) contemplated by the
28 Strebig Ordinance, and/or, (ii) future maintenance of the streetscape work to be
29 performed under the Strebig Ordinance completed by the City or its

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departments/divisions, shall not be considered as additional funds for the Landing project.

SECTION 2. If any of the conditions of Section 1 of this resolution are not complied with or are otherwise violated, then City Council reserves the right to require repayment of the funds authorized in the Landing Project Resolution according to the provisions set forth in that same resolution.

SECTION 3. This Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Russ Jehl, Council Member

APPROVED AS TO FORM AND LEGALITY



Joseph G. Bonahoom, City Council Attorney

Exhibit A

Riverfront | Columbia Street TIF Allocation Area Anticipated CREDIT Reimbursement Schedule - Columbia Street Streetscape Improvements

| Increment Source | 15 Year Term | | | | | | | | | | | | Total | | | |
|--------------------------------|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | | 2030 | 2031 | 2032 |
| Existing Unobligated Increment | \$25,000 | \$26,250 | \$27,563 | \$28,941 | \$30,388 | \$31,907 | \$33,502 | \$35,178 | \$36,936 | \$38,783 | \$40,722 | \$42,758 | \$44,896 | \$47,141 | \$49,498 | \$539,464 |
| Superior Lots Landfill | | | | | | | | | | | \$125,000 | \$125,000 | \$125,000 | \$125,000 | \$125,000 | \$625,000 |
| | | | | | | | | | | | | | | \$50,000 | \$50,000 | \$100,000 |

This information represents an estimate of anticipated increment to be generated by each of the identified projects.

\$1,264,464

BILL NO. R-18-11-25

REPORT OF COMMITTEE ON REGULATIONS

November 13, 2018

Paul Ensley Chair

Thomas Didier Co-Chair

All Council Members

Resolution acknowledging an agreement between the City and City Council to reimburse the City CREDIT Fund

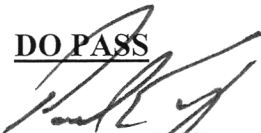





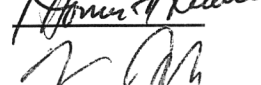
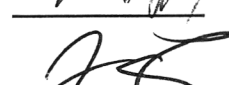

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

DO PASS

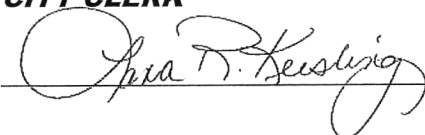
DO NOT PASS

ABSTAIN

NO REC

| | | | |
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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Ensley.

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

Read the third time in full and on motion by Councilman Ensley, 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"/> |
| BARRANDA | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| CRAWFORD | <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"/> |

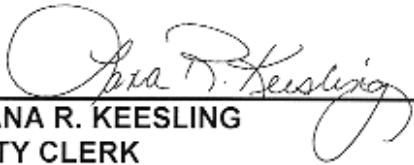
DATED: November 13, 2018




LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-18-11-25 on the 13th day of November, 2018



LANA R. KEESLING
CITY CLERK




PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of November 2018, at the hour of 11:40 o'clock A.M. E.S.T.



LANA R. KEESLING, CITY CLERK

Approved and signed by me this 14th day of NOVEMBER 2018, at the hour of 2:00 O'clock PM E.S.T.



THOMAS C. HENRY, MAYOR

