

3
4 A RESOLUTION BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA
5 REQUESTING THE USE OF LOCAL INCOME TAX REVENUES DESIGNATED FOR
6 RIVERFRONT DEVELOPMENT FOR CERTAIN RIVERFRONT PROJECTS

7 WHEREAS, the Common Council of the City of Fort Wayne, Indiana ("Council") passed
8 Special Ordinance No. S-91-17 establishing a special non-reverting fund known as the
9 "Economic Development Allocation Nonreverting Fund" ("LIT Riverfront") for the portion of the
10 distributive share of the City of Fort Wayne ("City") Expenditure Rate revenues (as defined in
11 Special Ordinance No. S-91-17) attributable to the Additional Economic Development Allocation
(as defined in Special Ordinance No. S-91-17) in addition to the City's existing allocation of local
income taxes ("LIT General") (collectively, LIT General and LIT Riverfront shall comprise the "LIT
Revenues"); and

12 WHEREAS, moneys in LIT Riverfront were designated to be used for (i) riverfront
13 development, including the payment of debt service on bonds or other obligations or lease
rentals or leases executed for purposes of riverfront development; and (ii) sidewalks and alleys;
and

14 WHEREAS, the Lofts at Headwaters Park Project and the Riverfront at Promenade Park
15 Project, (collectively, the Projects") will contribute to riverfront development; and

16 WHEREAS, the Council has determined that the completion of the Projects is in the best
17 interest of the citizens and taxpayers of the City and has provided for the stimulation and
18 inducement of the Projects by, among other matters, approving the parking structure leases
and appropriating LIT Revenues legally available to the City and allocated to economic
19 development pursuant to Indiana Code 6-3.6 to pay the rents due pursuant to the parking
structure leases as provided in Resolution No. ____ [R-20-02-20; R-20-02-21; R-20-02-22; and R-
20-02-25,] (collectively, the "Resolutions");

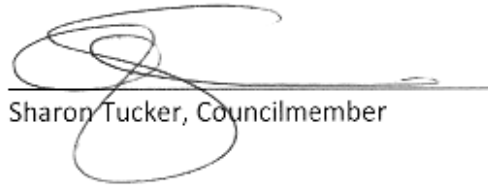
20 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT
21 WAYNE, INDIANA AS FOLLOWS:

22 Section 1. The Council expresses its desire that the LIT Revenues used to pay the rent
23 due on the parking structure leases on the Projects be utilized from LIT Riverfront to the
24 maximum extent possible without harming the City's ability to finance the public improvements
25 planned in Phase II and Phase III of the public portion of planned riverfront development or the
26 allocations designated for sidewalks and alleys.

1 Section 2. The Council expresses its desire that the LIT Revenues used to pay the rent
2 due on the parking structure leases for the Projects used from LIT General be used only if the
3 City's customary amount of public infrastructure improvements be maintained and then only to
4 the least amount necessary to fund the payment of rent pursuant to the parking structure
5 leases for the Projects.

6 Section 3. Nothing in this resolution should be construed to modify or impair in any way
7 the pledges of LIT Revenue made in the Resolutions.

8 Section 4. This Resolution shall be binding and in full force and effect from and after the
9 time of its passage by the Council and approval by the Mayor.

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Sharon Tucker, Councilmember

APPROVED AS TO FORM AND LEGALITY


Carol Helton, City Attorney

DIGEST SHEET

TITLE OF RESOLUTION. A resolution by the Common Council of the City of Fort Wayne, Indiana, requesting the use of local income tax ("LIT") revenues designated for riverfront development for certain riverfront projects

DEPARTMENT REQUESTING RESOLUTION. Redevelopment Commission.

SYNOPSIS OF RESOLUTION. This resolution formalizes the intent of the Common Council to utilize "Riverfront LIT" to the extent possible for annual lease payments for the Lofts at Headwaters Park and the Riverfront at Promenade Park projects, but not in such a way that Riverfront LIT devoted to Phase II and Phase III of the Riverfront initiative, as well as money dedicated to sidewalks and alleys, is impaired.


EFFECT OF PASSAGE. The parking structure leases are the primary economic incentives for both projects. A LIT pledge is necessary to 1) secure project financing, and 2) cover any shortfalls in annual rental payments after the application of net parking revenue, project-generated tax increment, and Capital Improvement Board funds.

Council articulated during discussion of the parking lease resolutions the desire to use "Riverfront LIT" rather than "General LIT" for annual lease payments to the extent possible. However, it was noted that since LIT is being used as security for project financing, passage of a resolution requiring that lease payments be made from a specific LIT fund (i.e. Riverfront LIT or General LIT) would negatively affect the quality of the pledge and severely impair a private lender's ability to finance the projects. Passage of this resolution directs Council and the administration to budget annual lease payments in a specific manner without harming the ability of the project to receive financing.

EFFECT OF NON-PASSAGE. This resolution directs present and future Councils and administrations to allocate LIT revenue in a specific way. If the resolution were not passed, revenue could still be allocated in a way that achieved Council's intent, but the passage of time and personnel turnover could cause this intent to gradually be lost.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). The amount of rent paid pursuant to the parking leases would not change with the passage of this resolution, nor would the total amount of local income tax revenue used for rent payments.

ASSIGNED TO COMMITTEE (PRESIDENT).





COMMUNITY DEVELOPMENT REDEVELOPMENT

Thomas C. Henry, Mayor

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne, IN 46802

260-427-2150 fwcommunitydevelopment.org

March 6, 2020

MEMO

To: City of Fort Wayne Common Council

Copy: City of Fort Wayne Redevelopment Commission

From: Nancy Townsend, Executive Director, 427-2323

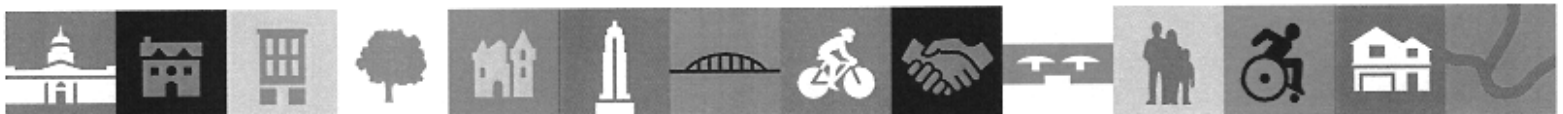
Re: **A RESOLUTION BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, REQUESTING THE USE OF LOCAL INCOME TAX REVENUES DESIGNATED FOR RIVERFRONT DEVELOPMENT FOR CERTAIN RIVERFRONT PROJECTS**

The City of Fort Wayne Redevelopment Commission requests Common Council approval of a resolution specifying the source of local income tax funds to be used for annual rental payments pursuant to parking leases associated with the Lofts at Headwaters Park and the Riverfront at Promenade Park projects. The desire for this resolution arose out of discussion that occurred during the March 3, 2020, Finance Committee discussion of the Common Council. These materials represent our attempt to memorialize the conversation that occurred at the council table.

Enclosed herewith, please find a digest sheet and resolution.

Please do not hesitate to contact us if you have questions.

Vibrant. Prosperous. Growing.



REPORT OF COMMITTEE ON FINANCE

March 10, 2020

Sharon Tucker Chair

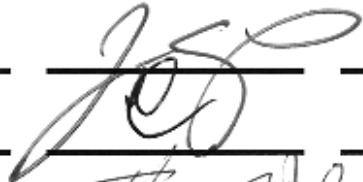
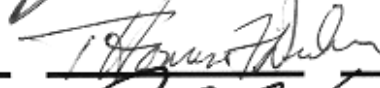


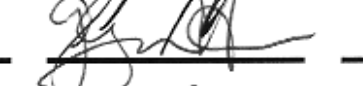
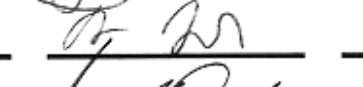


Jason Arp Co-Chair

All Council Members

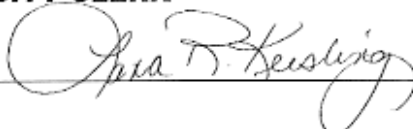
A Resolution by the Common Council of the City of Fort Wayne, Indiana requesting the use of Local Income Tax revenues designated for Riverfront Development for certain Riverfront projects

This will require a Suspension of the Rules in order to be Introduced, Discussed and Voted for Passage in the same night

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>
ARP			
CHAMBERS			
DIDIER			
ENSLEY			
FREISTROFFER			
HINES			
JEHL			
PADDOCK			
TUCKER			

**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

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

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

Read the third time in full and on motion by Councilperson Tucker, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: March 10, 2020


LANA R. KEESLING, CITY CLERK

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

Resolution No. R-20-03-08 on the 10th day of March, 2020

ATTEST:


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th
of March 2020, at the hour of 10:00 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

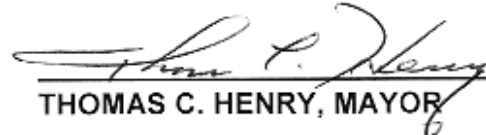
Approved and signed by me this 11TH day of MARCH

2020, at the hour of 10:30 o'clock AM E.S.T.

FORT WAYNE, INDIANA
RECEIVED

MAR 11 2020

LANA R. KEESLING
CITY CLERK


THOMAS C. HENRY, MAYOR