

**A RESOLUTION OF THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,
AMENDING THE PRIOR APPROVAL OF AVAILABLE LOCAL INCOME TAX
REVENUES TO PAY THE COSTS ASSOCIATED WITH THE REMEDIATION
AND REMOVAL OF CONTAMINATED SOILS WITH REGARD TO AN
ECONOMIC DEVELOPMENT PROJECT FOR A NEW MIXED-USE PROJECT
TO BE CALLED THE LOFTS AT HEADWATERS PARK**

WHEREAS, the Fort Wayne Redevelopment Commission (the “Commission”) has entered into an Economic Development Agreement (the “EDA”), which EDA has been amended from time to time, with The Lofts at Headwaters Park, LLC, Fort Wayne Garage Associates, One, LLC and Headwaters Capital Partners, LLC (the “Developer”), wherein the Developer agreed to develop and construct a mixed-use building consisting of a multi-family component, a ground floor commercial component and a parking structure, constituting an aggregate investment of approximately Sixty-Seven Million Seven Hundred Fifty Thousand and No/100 Dollars (\$67,750,000), to be located at the northeast corner of Clinton Street and Superior Street in downtown Fort Wayne (the “Project”); and

WHEREAS, the Commission has determined that the completion of the Project is in the best interests of the citizens and taxpayers of the City and, to stimulate and induce the completion of the development of the Project, the Commission agreed in the EDA, subject to further proceedings as required by law, to provide certain economic development incentives in exchange for the development of the Project, including, but not limited to, the remediation and removal of contaminated soils, as more particularly described on Exhibit A (“Soil Remediation and Removal”); and

1 WHEREAS, on March 10, 2020, the Common Council approved
2 Resolution No. R-20-02-22 appropriating Two Million Two Hundred Thousand and
3 No/100 Dollars (\$2,200,000) of local income tax revenues legally available to the City
4 and allocated to economic development pursuant to Indiana Code 6-3.6 (“LIT
5 Revenues”) to the Commission for the purpose of paying the costs of the Soil
6 Remediation and Removal; and
7

8 WHEREAS, Resolution 20-02-22 contemplated that LIT would be
9 partially reimbursed through lot sale proceeds from the Project in the amount of Five
10 Hundred Thousand and No/100 Dollars (\$500,000) and One Million and No/100 Dollars
11 (\$1,000,000) for the real estate upon which the Riverfront at Promenade Park will be
12 located; and [
13

14 WHEREAS, the Riverfront at Promenade Park real estate has been
15 conveyed to the Developer and the lot sale proceeds of One Million and No/100 Dollars
16 (\$1,000,000) have been disbursed to LIT; and

17 WHEREAS, the Commission publicly bid the Soil Remediation and
18 Removal and on November 19, 2021, received a low bid of Two Million One Hundred
19 Sixty One Thousand Three Hundred Fifteen and No/100 Dollars (\$2,161,315) which,
20 combined with landfill disposal, construction management, and environmental testing
21 fees is estimated to cost One Million One Hundred Twenty-Eight Thousand Five
22 Hundred and No/100 Dollars (\$1,128,500) and utility relocation costs of approximately
23 Three Hundred Thousand and No/100 Dollars (\$300,000), increased the total cost of the
24 Soil Remediation and Removal to Three Million Five Hundred Sixty-Nine Thousand
25 Eight Hundred Fifteen and No/100 Dollars (\$3,589,815); and
26

27 WHEREAS, the Commission has requested that the funding shortfall be
28 partially addressed through the approval of an additional Five Hundred Thousand and
29
30

1 No/100 Dollars (\$500,000) of LIT Revenues by the Common Council to the Commission
2 and through the use of the lot sale proceeds from the Project, with the expectation that
3 the Commission is responsible for any additional funds; and
4

5 WHEREAS, the Common Council has determined that the completion of
6 the Project is in the best interests of the citizens and taxpayers of the City and desires to
7 provide for the stimulation and inducement of the Project and appropriate the LIT
8 Revenues as provided in this Resolution;

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

11 1. The Common Council finds, determines, ratifies and confirms that
12 the Project is in the best interests of the citizens and taxpayers of the City of Fort Wayne
13 and will support the redevelopment goals of the City of Fort Wayne.
14

15 2. Pursuant to and in accordance with Indiana Code 5-1-14-4 and 6-
16 3.6-10-6, the Common Council does hereby approve an increase of Five Hundred
17 Thousand and No/100 Dollars (\$500,000) of LIT Revenues for a total use of LIT
18 Revenues for Soil Remediation and Removal not to exceed Two Million Seven Hundred
19 Thousand and No/100 Dollars (\$2,700,000).
20

21 3. The Commission is hereby authorized to enter into such contracts
22 as are necessary to effectuate the Soil Remediation and Removal.

23 4. Common Council Resolution R-20-02-22 is hereby rescinded and
24 replaced in its entirety by this Resolution.
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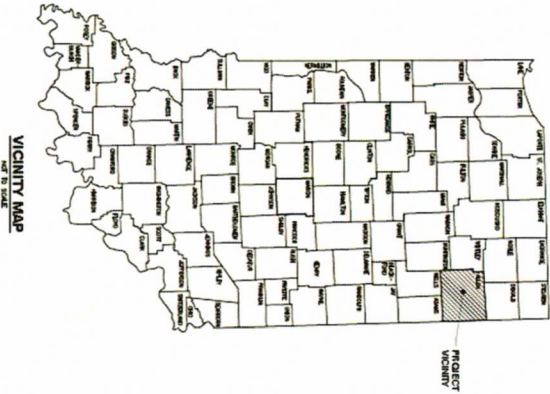
EXHIBIT A

Description of Soil Remediation and Removal

See Following Pages

HEADWATERS LOT EXCAVATION AND REMEDIATION

216 E SUPERIOR STREET
FORT WAYNE, INDIANA 46802
PLAN SET
OCTOBER 01, 2021



Sheet Number	Sheet Title	Drawing No.
1	HEADWATERS LOT EXCAVATION AND REMEDIATION	CE01
2	HEADWATERS LOT EXCAVATION AND REMEDIATION	CE02
3	HEADWATERS LOT EXCAVATION AND REMEDIATION	CE03
4	HEADWATERS LOT EXCAVATION AND REMEDIATION	CE04
5	HEADWATERS LOT EXCAVATION AND REMEDIATION	CE05



MAYOR:
HONORABLE THOMAS C. HENRY
REDEVELOPMENT COMMISSION:
CHRISTOPHER GUERIN, PRESIDENT
JOHANN LEIST, EXECUTIVE DIRECTOR
REDEVELOPMENT COMMISSION

CONSULTANT TEAM:

OWNER
CITY OF FORT WAYNE
MAYOR: HONORABLE THOMAS C. HENRY
REDEVELOPMENT COMMISSION:
CHRISTOPHER GUERIN, PRESIDENT
JOHANN LEIST, EXECUTIVE DIRECTOR

CONSTRUCTION MANAGER/OWNERS REPRESENTATIVE
DILLON CONSTRUCTION GROUP
15300 E. LISOLE COURT
INDIANAPOLIS, IN 46226
PH: 314-897-8722
CONTACT: JAUDET FARLEY

CIVIL ENGINEER
CIVIL & ENVIRONMENTAL CORP. UTILITIES, INC.
2000 W. 10TH STREET
SUITE 100
INDIANAPOLIS, IN 46204
PH: (317) 665-7777
CONTACT: AARON HUNT

REFERENCE:
1. CITY OF FORT WAYNE, OFFICE OF THE CITY ENGINEER, 2021. "CONSTRUCTION PERMITS AND REGULATIONS".
2. CITY OF FORT WAYNE, OFFICE OF THE CITY ENGINEER, 2021. "CONSTRUCTION PERMITS AND REGULATIONS".
3. CITY OF FORT WAYNE, OFFICE OF THE CITY ENGINEER, 2021. "CONSTRUCTION PERMITS AND REGULATIONS".
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9. CITY OF FORT WAYNE, OFFICE OF THE CITY ENGINEER, 2021. "CONSTRUCTION PERMITS AND REGULATIONS".
10. CITY OF FORT WAYNE, OFFICE OF THE CITY ENGINEER, 2021. "CONSTRUCTION PERMITS AND REGULATIONS".

UTILITIES:	TELEPHONE:	TELEVISION:	TELEPHONE:
AT&T	AT&T	AT&T	AT&T
COX	COX	COX	COX
COMCAST	COMCAST	COMCAST	COMCAST
VERIZON	VERIZON	VERIZON	VERIZON
...

SITE INFORMATION:
SITE IS ZONED: DT-COMMERCIAL CORNE
PROPOSED BUILDING: 108,447 S.F.
ADJACENT PROPERTY OWNERS:
NORTH: A PARTY APARTS
SOUTH: A PARTY APARTS
EAST: ALLEN COUNTY JAIL
PROPOSED USE: MIXED USE BUILDING

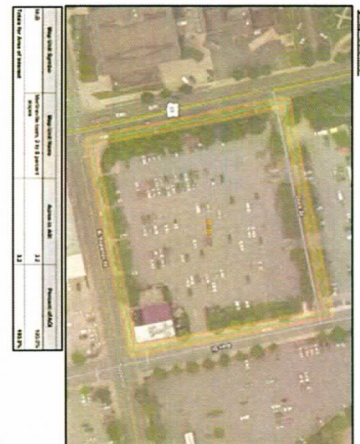
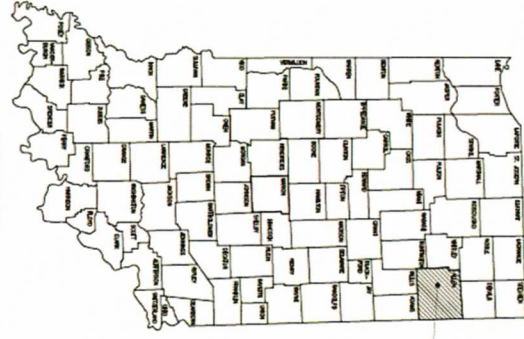


TITLE SHEET
C000

HEADWATERS LOT EXCAVATION AND REMEDIATION
216 E. SUPERIOR STREET
FORT WAYNE, IN 46802

CEC
Civil & Environmental Consultants, Inc.
630 E. Ohio Street - Suite C - Indianapolis, IN 46204
317-695-7777 or 764-0746

SUBMITTAL & REVISION RECORD	
NO.	DATE



- GENERAL NOTES:**
1. REFER TO THE PLAN TO THE DATE OF THESE PERMITS.
 2. ALL 12' HIGH OR MORE PERMITS SHALL BE PERMITTED TO BE PLACED ON THE LOT OF THE PROJECT.
 3. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES ON THE LOT.
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 5. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES ON THE LOT.

TABLE 1 - PERMITS TO BE OBTAINED

NO.	PERMIT TYPE	DATE	STATUS
1	Excavation	10/11/2011	Approved
2	Remediation	10/11/2011	Approved
3	Construction	10/11/2011	Approved

TABLE 2 - TEMPORARY SIGNING

NO.	DATE	STATUS
1	10/11/2011	Approved
2	10/11/2011	Approved
3	10/11/2011	Approved

TABLE 3 - PERMITS TO BE OBTAINED

NO.	PERMIT TYPE	DATE	STATUS
1	Excavation	10/11/2011	Approved
2	Remediation	10/11/2011	Approved
3	Construction	10/11/2011	Approved

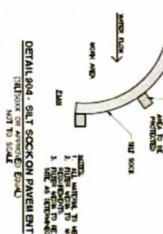
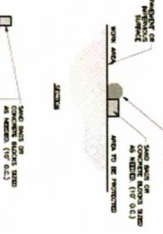
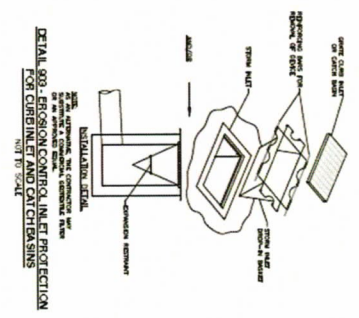
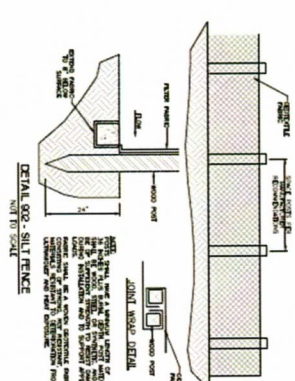
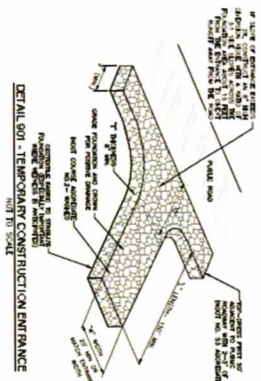


TABLE 4 - TEMPORARY SIGNING DIMENSIONS

NO.	DATE	STATUS
1	10/11/2011	Approved
2	10/11/2011	Approved
3	10/11/2011	Approved



STORMWATER POLLUTION PREVENTION DETAILS
C902

HEADWATERS LOT EXCAVATION AND REMEDIATION
216 E. SUPERIOR STREET
FORT WAYNE, IN 46802

CEC
Civil & Environmental Consultants, Inc.
600 E. Ohio Street, Suite G, Indianapolis, IN 46204
317-696-7777
www.cec.com

SUBMITTAL & REVISION RECORD

NO.	DATE	DESCRIPTION



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

December 9, 2021

MEMO

To: City of Fort Wayne Common Council

Copy: City of Fort Wayne Redevelopment Commission

From: Jonathan Leist, Executive Director, 427-1323

Re: A Resolution of the Common Council of the City of Fort Wayne, Indiana, amending the prior approval of available Local Income Tax Revenues to pay the costs associated with the remediation and removal of contaminated soils with regard to an Economic Development Project for a new mixed-use project to be Called the Lofts at Headwaters Park.

This memo requests Common Council approval for additional funding for soil removal and remediation of the site of a proposed mixed-use development project called the Lofts at Headwaters Park to be located at the northeast corner of Superior Street and Clinton Street in downtown Fort Wayne. The project will consist of approximately 232 dwelling units, 12,000 square feet of ground floor commercial space, and 651 parking spaces at an investment of approximately \$67,750,000.

Common Council previously approved several resolutions in support of this project, including Resolution No. R-20-02-22 which appropriated \$2.2 million towards soil remediation and removal. Bids received in November 2021, combined with estimated landfill disposal costs (which cannot be determined until excavation is underway), construction management fees, environmental testing and utility location costs put the total cost at approximately \$3.59 million. In order to partially address the increased cost, the Redevelopment Commission requests an additional \$500,000 in LIT funds as well as certain other approvals and authorizations.

Enclosed herewith, please find a digest sheet, a resolution appropriating LIT revenues for remediation and removal of contaminated soil, and supporting documentation.

Please do not hesitate to contact me if you have any questions.

Vibrant. Prosperous. Growing.



DIGEST SHEET

TITLE OF RESOLUTION. A Resolution of the Common Council of the City of Fort Wayne, Indiana, amending the prior approval of available Local Income Tax Revenues to pay the costs associated with the remediation and removal of contaminated soils with regard to an Economic Development Project for a new mixed-use project to be Called the Lofts at Headwaters Park.

DEPARTMENT REQUESTING RESOLUTION. Redevelopment Commission.

SYNOPSIS OF RESOLUTION. In March 2020, Council approved several resolutions in support of the Lofts at Headwaters Park, which is a proposed mixed-use building to be constructed at the northeast corner of Clinton Street and Superior Street in downtown Fort Wayne (the "Project"). This included Resolution No. R-20-02-22, which appropriated \$2.2 million of local income tax ("LIT") revenue for soil remediation and disposal. The low bid for this work was approximately \$2.16 million, which combined with landfill disposal fees, testing, construction management and utility relocation increases the total cost to approximately \$3.59 million. The original scope of work has not changed; the updated cost is largely attributable to inflation and labor availability. This resolution approves an increase of \$500,000 in the total amount of LIT revenues available for remediation, and authorizes the Redevelopment Commission to enter into such contracts as are necessary to effectuate the remediation and removal. Lot sale proceeds from this project and from the Riverfront at Promenade Park project totaling \$1.5 million were initially pledged to partially reimburse LIT for remediation expenses. One million dollars from the sale of the Riverfront at Promenade Park real estate has already been collected and disbursed to LIT. In addition to the \$500,000 of LIT requested herein, Five Hundred Thousand Dollars (\$500,000) from the sale of the Project real estate would now be used for Soil Remediation and Removal.

EFFECT OF PASSAGE. The project site and the surrounding real estate have a long history of industrial uses that have contaminated the site. The top twelve (12) feet of soil across virtually the entire site must be excavated in order to remove shallow contaminants and unbuildable soil. The use of LIT revenues to fund this up-front cost will permit the Commission to deliver a buildable site to the developer, which is a condition of the economic development agreement between the developer and the Commission and an activity that would be required for virtually any redevelopment project occurring at the site.

Passage of the resolution and construction of the project will put a challenging site to productive use. The project will provide many benefits to the community, including (i) public parking in an area with an urgent need for additional parking spaces, (ii) substantial additions to the downtown housing and commercial market, which is an essential element of resident and business attraction, and (iii) annual property tax revenue generated by a type of development with low per capita public service costs.

EFFECT OF NON-PASSAGE. This \$67.75 million investment will not occur without soil remediation. The City has owned the site for 30 years and has a thorough understanding of its limitations. It is unlikely that the site will be developed in a manner befitting its exceptional location without governmental involvement in remediation activities.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). Because it is virtually impossible to know the full extent of contamination before excavating, the cost estimate of \$3.59 million represents a scenario where the majority of the soils would be treated as "contaminated", which entails higher disposal costs. The total LIT revenue available for the project would be \$2.7 million, or \$1.7 million after reimbursement from the sale of the Riverfront at Promenade Park real estate. The Commission would be responsible for the difference between the actual cost of remediation and the approved LIT revenue.

ASSIGNED TO COMMITTEE (PRESIDENT). _____

BILL NO. R-21-12-21

REPORT OF COMMITTEE ON FINANCE

December 21, 2021


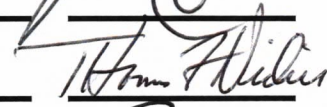
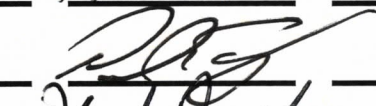

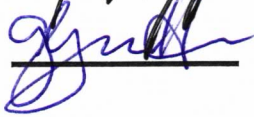
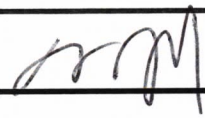

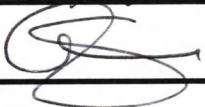
Glynn Hines Chair

Jason Arp Co-Chair

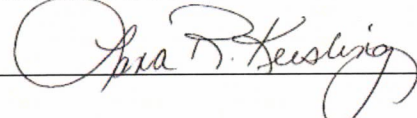
All Council Members

A Resolution of the Common Council of the City of Fort Wayne, Indiana, amending the prior approval of available Local Income Tax Revenues to pay the costs associated with the remediation and removal of contaminated soils with regard to an Economic Development Project for a new mixed-use project to be called The Lofts at Headwaters Park

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 Hines.

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

Read the third time in full and on motion by Councilperson Hines, 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 type="checkbox"/>	<input checked="" 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: December 21, 2021




 LANA R. KEESLING, CITY CLERK

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

Resolution No. R-21-12-21 on the 21st day of December, 2021

ATTEST:




 LANA R. KEESLING
 CITY CLERK



 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd of December 2021, at the hour of 8:50 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 22nd day of December 2021, at the hour of 1:00 o'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR

