

1 **BILL NO. R-22-08-19**

2 **SPECIAL ORDINANCE NO. R-73-22**

3 **AN ORDINANCE AMENDING A PRIOR ORDINANCE**  
4 **AUTHORIZING THE ISSUANCE OF CITY OF FORT**  
5 **WAYNE, INDIANA ECONOMIC DEVELOPMENT**  
6 **SOLID WASTE FACILITY REVENUE BONDS (DO**  
7 **GOOD FOODS FORT WAYNE LLC PROJECT), SERIES**  
8 **2022, AND THE LENDING OF THE PROCEEDS**  
9 **THEREOF TO DO GOOD FOODS FORT WAYNE LLC,**  
10 **AND AUTHORIZING AND APPROVING OTHER**  
11 **ACTIONS WITH RESPECT THERETO**

12 WHEREAS, the Common Council previously adopted its Special Ordinance No.  
13 S-22-06-20 on July 12, 2022 (the “Original Ordinance”) finding, determining, ratifying  
14 and confirming, *inter alia*, that the issuance and sale of the City of Fort Wayne, Indiana  
15 Economic Development Solid Waste Facility Revenue Bonds (Do Good Foods Fort  
16 Wayne LLC Project), Series 2022, in one or more taxable and tax-exempt series, in an  
17 aggregate amount not to exceed One Hundred Forty-Two Million Dollars (\$142,000,000)  
18 (the “Bonds”), and the loaning of the proceeds of the Bonds to Do Good Foods Fort Wayne  
19 LLC, or an affiliate thereof (the “Borrower”), for the financing of all or a portion of the  
20 acquisition, construction and equipping of a new solid waste facility involving the intake  
21 of food waste that would otherwise be disposed of at solid waste landfills from  
22 approximately 450 supermarkets and the conversion thereof to chicken feed, to be located  
23 at 8645 Aviation Drive, Fort Wayne, Indiana 46809 (the “Facilities”), which constitutes  
24 solid waste disposal facilities under Section 142(a)(6) of the Internal Revenue Code of  
25 1986, as amended (the acquisition, construction and equipping of such solid waste disposal  
26 facilities, the “Project”), will be of benefit to the health and general welfare of the City of  
27 Fort Wayne, Indiana (the “City”), will serve the public purposes referred to above in  
28 accordance with the I.C. 36-7-11.9 and I.C. 36-7-12 (the “Act”), and fully complies with  
29 the Act; and

30 WHEREAS, the Borrower has determined that the aggregate amount of the Bonds  
in one or more taxable and/or tax-exempt series will be in an amended amount not to  
exceed One Hundred Ninety Million Dollars (\$190,000,000) (the “Amended Bond  
Amount”); and

1 WHEREAS, all other terms of the Original Ordinance remain as stated therein; and

2  
3 WHEREAS, pursuant to I.C. 36-7-12-24, the Fort Wayne Economic Development  
4 Commission (the “Commission”) published notice of a public hearing (the “Public  
5 Hearing”) on the Project and on the proposed Amended Bond Amount to finance the  
6 Project; and

7 WHEREAS, the Commission has held the Public Hearing on the Project and the  
8 proposed Amended Bond Amount, and approved the Amended Bond Amount.

9  
10 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL**  
11 **OF THE CITY OF FORT WAYNE, INDIANA;**

12 **Section 1. Approval of Financing.** The proposed financing of working  
13 capital and the Project by the issuance of the Bonds under the Act in the Amended Bond  
14 Amount of \$190,000,000 and in the form that such financing was approved by  
15 Commission, is hereby approved. The Bonds and the interest thereon do not and shall  
16 never constitute an indebtedness of, or a charge against the general credit or taxing power  
17 of, the City, but shall be special and limited obligations of the City, payable solely from  
18 revenues and other amounts derived from the Financing Agreements (as described in the  
19 Original Ordinance).

20 **Section 2. Authorization of the Bonds.** The issuance of the Bonds in the  
21 Amended Bond Amount, payable solely from revenues and receipts derived from the  
22 Financing Agreements, is hereby authorized.

23 **Section 3. General.** The Mayor and the Clerk, and each of them, are hereby  
24 authorized and directed, in the name and on behalf of the City, to execute or endorse any  
25 and all agreements, documents and instruments, perform any and all acts, approve any and  
26 all matters, and do any and all other things deemed by them, or either of them, to be  
27 necessary or desirable in order to carry out and comply with the intent, conditions and  
28 purposes of the Original Bond Ordinance (including the preambles thereto and the  
29 documents mentioned therein), as amended by this Ordinance (collectively, the “Bond  
30

1 Ordinance”), the Project, the issuance and sale of the Bonds, and the securing of the Bonds  
2 under any documents related to the Bonds, and any such execution, endorsement,  
3 performance or doing of other things heretofore effected be, and hereby is, ratified and  
4 approved.

5 **Section 4. Binding Effect.** The provisions of the Bond Ordinance and the  
6 Financing Agreements shall constitute a binding contract between the City and the holders  
7 of the Bonds, and after the issuance of the Bonds, the Bond Ordinance shall not be repealed  
8 or amended in any respect which would adversely affect the rights of the holders of the  
9 Bonds as long as the Bonds or interest thereon remains unpaid.

10 **Section 5. No Other Changes to Original Ordinance.** Other than the change  
11 to the Amended Bond Amount, all other findings and terms of the Original Ordinance  
12 remain in full force and effect.

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14 **Section 6. Effective Date.** The Bond Ordinance shall be in full force and  
15 effect from and upon compliance with the procedures required by law.  
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1 Introduced by: RUSS JEFF  
2 \_\_\_\_\_, Councilman

3 Passed in open Council this 13<sup>TH</sup> day of SEPTEMBER, 2022.

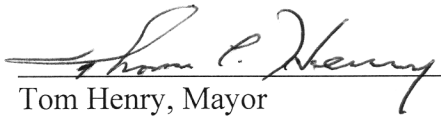
4  
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6 \_\_\_\_\_  
7 Jason Arp, Common Council President

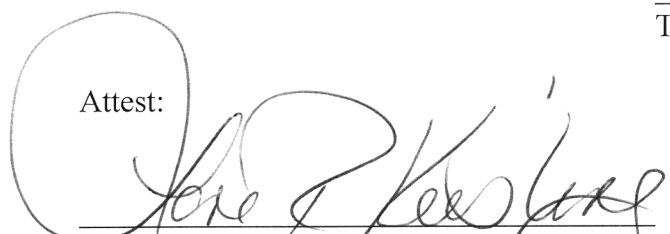
7 Attest:  
8   
9 \_\_\_\_\_  
10 Lana Keesling, City Clerk

11 Presented by me to the Mayor this 14<sup>TH</sup> day of SEPTEMBER, 2022.

12   
13 \_\_\_\_\_  
14 Lana Keesling, City Clerk

15 Approved by me, the Mayor, this 16<sup>TH</sup> day of SEPTEMBER, 2022.

16   
17 \_\_\_\_\_  
18 Tom Henry, Mayor

18 Attest:  
19   
20 \_\_\_\_\_  
21 Lana Keesling, City Clerk

22 Approved as to Form and Legality

23   
24 \_\_\_\_\_  
25 Malak Heiny, City Attorney

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**RESOLUTION NO. 8-18-2022**

A RESOLUTION AMENDING A PRIOR RESOLUTION  
APPROVING AND AUTHORIZING CERTAIN  
ACTIONS AND PROCEEDINGS WITH RESPECT TO CERTAIN  
PROPOSED ECONOMIC DEVELOPMENT REVENUE BONDS

WHEREAS, the City of Fort Wayne Economic Development Commission (the "Commission") previously adopted its Resolution No. 6-17-2022 on June 16, 2022 (the "Original Resolution"), finding, determining, ratifying and confirming, *inter alia*, that the issuance and sale of the City of Fort Wayne, Indiana Economic Development Solid Waste Facility Revenue Bonds (Do Good Foods Fort Wayne LLC Project), Series 2022, in one or more taxable and tax-exempt series, in an aggregate amount not to exceed One Hundred Forty-Two Million Dollars (\$142,000,000) (the "Bonds"), and the loaning of the proceeds of the Bonds to Do Good Foods Fort Wayne LLC, or an affiliate thereof (the "Borrower"), for the financing of all or a portion of the acquisition, construction and equipping of a new solid waste facility involving the intake of food waste that would otherwise be disposed of at solid waste landfills from approximately 450 supermarkets and the conversion thereof to chicken feed, to be located at 8645 Aviation Drive, Fort Wayne, Indiana 46809 (the "Facilities"), which constitutes solid waste disposal facilities under Section 142(a)(6) of the Internal Revenue Code of 1986, as amended (the acquisition, construction and equipping of such solid waste disposal facilities, the "Project"), will be of benefit to the health and general welfare of the City of Fort Wayne, Indiana (the "City"), will serve the public purposes referred to above in accordance with the I.C. 36-7-11.9 and I.C. 36-7-12 (the "Act"), and fully complies with the Act; and

WHEREAS, the Borrower has determined that the aggregate amount of the Bonds in one or more taxable and/or tax-exempt series will be in an amended amount not to exceed One Hundred Ninety Million Dollars (\$190,000,000) (the "Amended Bond Amount"); and

WHEREAS, all other terms of the Original Resolution remain as stated therein; and

WHEREAS, pursuant to I.C. 36-7-12-24, the Commission published notice of a public hearing (the "Public Hearing") on the proposed issuance of the Bonds for the Amended Bond Amount to finance the Project; and

WHEREAS, on the date hereof the Commission held the Public Hearing on the proposed issuance of the Bonds with the Amended Bond Amount and the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AS FOLLOWS:

SECTION 1. The Commission finds, determines, ratifies and confirms that the issuance and sale of the Bonds, in one or more taxable and tax-exempt series, in the Amended Bond Amount not to exceed One Hundred Ninety Million Dollars (\$190,000,000), and the loan of the proceeds of the Bonds to the Borrower for the financing of all or a portion of the Project will be of benefit to the health and general welfare of the City, will serve the public purposes referred to above in accordance with the Act, and fully comply with the Act. The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City, but shall be special and limited obligations of the City,

payable solely from revenues and other amounts derived from the Financing Agreements (as described in the Original Resolution).

SECTION 2. The Commission hereby approves the report with respect to the Project and the related Facilities presented at this meeting. The Secretary of this Commission shall submit such report to the executive director or chair of the City of Fort Wayne Plan Commission and the school superintendent of Fort Wayne Community School Corporation.

SECTION 3. The financing of all or a portion of the Project through the issuance of the Bonds, in one or more taxable and tax-exempt series, in an aggregate amount not to exceed One Hundred Ninety Million Dollars (\$190,000,000), is hereby approved.

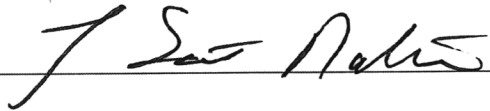
SECTION 4. The Secretary of this Commission shall transmit this Resolution, together with the forms of the documents approved by this Resolution, to the Common Council of the City.

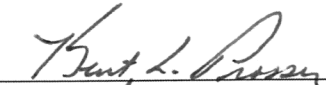
SECTION 5. Other than the change to the Amended Bond Amount, all other findings and terms of the Original Resolution remain in full force and effect.

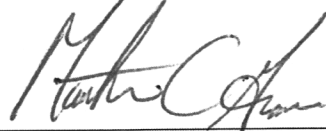
SECTION 6. This Resolution shall be in full force and effect upon adoption.

Adopted this 18<sup>th</sup> day of August, 2022.

CITY OF FORT WAYNE ECONOMIC  
DEVELOPMENT COMMISSION

  
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**AMENDED**  
**REPORT OF CITY OF FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION**  
**CONCERNING PROPOSED FINANCING OF ECONOMIC DEVELOPMENT SOLID**  
**WASTE FACILITIES FOR DO GOOD FOODS FORT WAYNE LLC**

The City of Fort Wayne Economic Development Commission (the "Commission") proposes to recommend to the City of Fort Wayne Common Council that it loan the proceeds of certain economic development revenue bonds to Do Good Foods Fort Wayne LLC, or an affiliate thereof (the "Applicant") for the financing of certain economic development facilities. *This Report amends a prior Report that estimated the total costs of the Facilities to be \$142,000,000. It is now estimated that the total costs of the Facilities will be \$190,000,000.*

In connection therewith, the Commission hereby reports as follows:

A. The proposed economic development facilities consist of the acquisition, construction and equipping of a solid waste facility involving the intake of food waste that would otherwise be disposed of at solid waste landfills from approximately 450 supermarkets and the conversion thereof to chicken feed, to be located at 8645 Aviation Drive, Fort Wayne, Indiana 46809 (the "Facilities"), which constitutes solid waste disposal facilities under Section 142(a)(6) of the Internal Revenue Code of 1986, as amended (the "Code") (the acquisition, construction and equipping of such solid waste disposal facilities, the "Project").

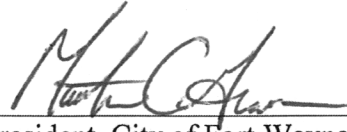
B. The Commission estimates that no public works or services, including public ways, schools, water, sewer, street lights and fire protection, will be made necessary or desirable by the Project, because any such works or services already exist or will be provided by the Applicant or other parties.

C. The Commission estimates that the total costs of the Facilities will be approximately \$190,000,000.

D. The Commission estimates that the Project will create approximately 100 new jobs upon completion with an annual payroll (including benefits) of approximately \$8,112,000.

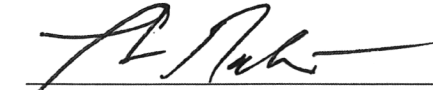
E. There are no facilities similar to the Facilities or the Project that are already constructed or operating in the City, and consequently, the Facilities and the Project will have no adverse competitive effect on similar facilities already constructed or operating in the City, except for those facilities owned by the Applicant.

Adopted this 18<sup>th</sup> day of August, 2022.



\_\_\_\_\_  
President, City of Fort Wayne  
Economic Development Commission

Attest:



\_\_\_\_\_  
Secretary, City of Fort Wayne  
Economic Development Commission



# Fort Wayne Economic Development Commission

CITY OF FT. WAYNE

JUL 28 2022 *CR4*

08/07  
IRB Application

COMMUNITY DEVELOPMENT

## Application for Economic Development Bond Financing

Fort Wayne Economic Development Commission by:  
Staff Member \_\_\_\_\_  
Date \_\_\_\_\_

**Please refer to the attached Application Instructions  
prior to completing this application!**

### General Information

Total projected cost of bond issue (include cost of project and cost of bond issuance) \$ \$190,000,000

1. Name of applicant: Do Good Foods Fort Wayne LLC
2. Title of applicant: \_\_\_\_\_
3. Address of applicant: 1545 US Highway 206, Suite 100, Bedminster, NJ 07921
4. Phone and fax number of applicant: 908-212-3627
5. Name of business: Do Good Foods Fort Wayne LLC
6. Address of business: 8645 Aviation Drive, Fort Wayne IN 46809
7. Phone and fax number of business: 908-212-3627
8. Name of contact person: Dave Buffa
9. Title of contact person: General Counsel
10. Name of contact's business: Do Good Foods LLC
11. Address of contact's business: 1545 US Highway 206, Suite 100, Bedminster, NJ 07921
12. Telephone and fax number of contact: 908-248-2997

13. Applicant is organized as a: (Check One)

- |   |   |
|---|---|
| <input type="checkbox"/> Not-for-Profit Corporation           | <input type="checkbox"/> Subchapter S Corporation |
| <input type="checkbox"/> C Corporation                        | <input type="checkbox"/> General Partnership      |
| <input checked="" type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Joint Venture            |
| <input type="checkbox"/> Sole Proprietorship                  | <input type="checkbox"/> Other _____              |
| <input type="checkbox"/> Limited Partnership                  |   |

14. List company officers and/or principal operating personnel

NAME	TITLE	ADDRESS	PHONE NUMBER
Hal Kamine	Executive Chairman	1545 US Hwy, Ste. 100, Bedminster, NJ 07921	973-212-3627
Matthew Kamine	Co-CEO	1545 US Hwy, Ste. 100, Bedminster, NJ 07921	973-212-3627
Justin Kamine	Co- CEO	1545 US Hwy, Ste. 100, Bedminster, NJ 07921	973-212-3627
Barry Starkman	Chief Manufacturing Officer	1545 US Hwy, Ste. 100, Bedminster, NJ 07921	973-212-3627
Zahir Ibrahim	CFO/CAO	1545 US Hwy, Ste. 100, Bedminster, NJ 07921	973-212-3627

15. List all persons or firms having ten percent or more ownership interest in the applicant business and the percentage each holds:

NAME	PERCENTAGE	NAME	PERCENTAGE
Do Good Foods Facilities Management LLC	100%		

16. Name and nature of the business or (if others) businesses in which the applicant is engaged:

Do Good Foods LLC ("DGF"), an affiliate of the Project Owner, upcycles surplus grocery food, after community donations, in an effort to both eliminate food waste and combat climate change. DGF has created a closed-loop system, with state-of-the-art infrastructure, designed to convert excess grocery food gathered from supermarkets throughout the area into nutritious animal feed. DGF's first product, Do Good Chicken, raised using this feed, is now available in grocery stores in select markets and rolling out nationwide in the second half of 2022.

DGF plans to expand its footprint nationwide as part of its growth plans. DGF will work with communities and supermarkets to eliminate food waste destined for landfills with its closed loop systems. DGF has identified Indiana as a potential location for a new production facility to accomplish this goal. The proposed project will result in creation of approximately 100 new full-time jobs at the project location, with an average annual salary of \$61K per employee. In addition to 100 direct jobs, Project will also create 30 to 40 3rd-party logistics jobs that will directly support the new facility, plus indirect jobs via facility construction. Project will consist of a capital investment of approximately \$135M to \$140M, inclusive of leasehold improvements and the purchase of new machinery and equipment. DGF anticipates approximately \$45M to \$50M in reserves and financing costs. The planned timeline for completion of the new facility is 12 to 15 months.

A DGF production facility in Fort Wayne would allow for the diversion of food waste from up to 450 supermarkets, repurposing 60K tons of food waste on an annual basis. Such a facility would not only reduce the amount of food waste in Indiana landfills, but also the greenhouse gas emissions associated with such food waste. The proposed project would create new jobs and economic activity in the Fort Wayne area, while also furthering the DGF goal of making a meaningful impact to our environment.

17.  Yes  No Is the applicant incorporated in the State of Indiana?

18. If yes, attach a copy of Certificate of Existence. (**Attachment #1**)

19. If no, under the laws of what state is the applicant organized? Delaware

20.  Yes  No Has the applicant received authority to do business in Indiana from the Indiana Secretary of State?

21. Provide evidence of such legal existence, including a statement from any certifying authorities. (**Attachment #2**)

22.  Yes  No Does the applicant operate under an assumed name in Allen County, Indiana?

23.  Yes  No Has the applicant filed for a Certificate of Use of Assumed Name with the Allen County, Indiana Recorder's Office?

24. If yes, under what name? \_\_\_\_\_ Date filed: \_\_\_\_\_

25.  Yes  No If the applicant is a sole proprietorship or general partnership, has the applicant filed for a Certificate of Assumed Business Name with the Allen County, Indiana Recorder's Office?

26. If yes, under what name? \_\_\_\_\_ Date filed: \_\_\_\_\_

27.  Yes  No Are any members of the Fort Wayne Economic Development Commission, Fort Wayne Common Council, or Allen County Council shareholders or holders of any debt obligation of the applicant?

28. If yes, list name(s):


### Project Information

29. Street address of project: 8645 Aviation Drive, Fort Wayne, IN 46809

30. Description of the project to be funded along with a brief description of the facilities to be constructed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

31. Total square footage of facility to be constructed on first floor: 150,000 (existing) sf

32. Total square footage of facility to be constructed on additional floors: \_\_\_\_\_ sf

33. Legal description of project site (Required **Attachment # 3**)

34. Total acreage of the tract or parcel of property on which the project is to be located: 21.03 acres

35.  Yes  No Are blueprints or architectural renderings available for the facilities to be constructed?

(If yes, a copy of the blueprints/renderings must be attached to the application. If not, a copy must be provided to the staff of the Fort Wayne Economic Development Commission no later than one week prior to the initial inducement resolution.) **Attachment # 4**

36. Itemize use of bond funds by expenditure category:

Engineering/Architectural Fees:	<u>\$11.778M</u>
Legal Fees:	<u>\$1M</u>
Financing and Other Fees:	<u>\$3.05M</u>
Land Purchase:	_____
Site Preparation:	<u>\$2.326M</u>
Construction (materials, equipment, labor):	<u>\$89.871M</u>
Building Purchase:	<u>\$38M</u>
Machinery:	_____
Remodeling/Renovation/Restoration:	_____
Bond Reserves/Capitalized Interest:	<u>\$43.975M</u>

37. Should bond funds be insufficient to complete the proposed project, itemize any additional funds and funding sources needed to complete the project: The Bond funds should be sufficient to complete the proposed project. No additional funds are required.

38.  Yes  No Is the project located entirely within the municipal limits of the City of Fort Wayne, Indiana?

39.  Yes  No Is the project located within the Fort Wayne Community Schools District?

40. If no, name the applicable school district (s): \_\_\_\_\_

41.  Yes  No Will the proposed facility, or any portion thereof, be leased to an entity other than the applicant?

42. If yes, name all such entities, state the type of business in which they engage, and indicate the square footage of the project each is expected to lease: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Zoning And Infrastructure Information

43. What is the existing zoning on the project site? I-2

44. What zoning will the project require? I-2

45.  Yes  No Is the project site located within a floodplain?

(Attach a surveyor's certificate indicating floodplain status, required.) **Attachment # 5**

46. Is the site to be used currently served by Fort Wayne City Utilities for:

Yes  No Water?

Yes  No Sanitary sewer?

Yes  No Storm sewer?

47. If not, how does applicant intend to procure proper utility infrastructure for the project?

\_\_\_\_\_  
\_\_\_\_\_

48. Will the project cause any adverse environmental impacts to:

Yes  No Air?

Yes  No Land?

Yes  No Noise?

Yes  No Other?

Yes  No Water?

49. Describe any potential adverse environmental impacts: \_\_\_\_\_

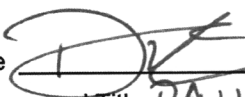
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## Public Benefit Information

50. Is a fully executed "Fort Wayne Economic Development Commission Form ED-1" attached to this application? (If not, application will not be accepted.) **Attachment # 6.**

I certify that I am a legally authorized representative of the above named company and that, to the best of my knowledge, all information in this application and its attached exhibits are true and complete and that I am aware that such application is subject to the Public Records laws of the State of Indiana. Verification of any and all items noted within this application may be obtained from any source named herein. It is my understanding that information on the "Fort Wayne Economic Development Commission Form ED-1" which is attached as a part of this application may be monitored by the staff of the Commission. I further understand that it is my obligation to provide the Commission with an annual "Fort Wayne Economic Development Commission Form ED-2" no later than January 31 of each year during the life of the bond issue. Form ED-2 shall be used to monitor compliance with the job creation and/or retention goals listed in the original "Fort Wayne Economic Development Commission Form ED-1". Commission staff has my express consent to monitor the project during the life of the bond issuance for compliance. Should any inaccuracies be found in the information reported on form ED-2, or should the ED-2 form not be received by January 31 of each year during the life of the bond issue, the Fort Wayne Economic Development Commission may seek such remedies as are legally available to it to address those discrepancies found.

I further agree to abide by all rules and regulations of the Fort Wayne Economic Development Commission. I agree to pay, in addition to the application fee, all attorney fees incurred on behalf of the Commission in the negotiation of financing of the economic development facility for which I am applying.

Signature   
Typed Name and Title DAVID BUFFA, GENERAL COUNSEL  
Date Signed 7/27/2022

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 04:07 PM 03/15/2022  
FILED 04:07 PM 03/15/2022  
SR 20221013233 - File Number 6677338

STATE OF DELAWARE  
CERTIFICATE OF FORMATION  
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is Do Good Foods Fort Wayne LLC

2. The Registered Office of the limited liability company in the State of Delaware is located at 251 Little Falls Drive (street), in the City of Wilmington, Zip Code 19808. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is Corporation Service Company

By: /s/ Kurt D. Olender  
Authorized Person

Name: Kurt D. Olender  
Print or Type

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "DO GOOD FOODS FORT WAYNE LLC", FILED IN THIS OFFICE ON THE FIFTEENTH DAY OF MARCH, A.D. 2022, AT 4:07 O`CLOCK P.M.



6677338 8100  
SR# 20221013233

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 202935375  
Date: 03-17-22

**ATTACHMENT #3**

LEGAL DESCRIPTION OF PROPERTY

**Property located at 8645 Aviation Drive, Fort Wayne, Indiana 46809.**

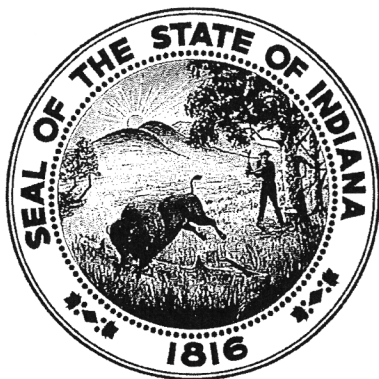
Part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows: COMMENCING at the Southwest corner of the Southwest Quarter of said Section 32, Township 30 North, Range 12 East; thence North 89 degrees 52 minutes 25 seconds East, along the South line of said Southwest Quarter and within the right-of-way of Airport Expressway, a distance of 2550.79 feet; thence North 00 degrees 09 minutes 11 seconds West, a distance of 60.00 feet to the Northerly right-of-way line of Airport Expressway and the Southeast corner of a 20.317 acre tract of land conveyed to Tuthill Corporation by deed recorded in Document Number 202069050; thence North 00 degrees 09 minutes 11 seconds West, along the Easterly line of said 20.317 acre tract, a distance of 871.00 feet to the Northeast corner thereof; thence South 89 degrees 52 minutes 25 seconds West, along the Northerly line of said 20.317 acre tract, a distance of 228.40 feet to the Southwest corner of a certain 6.00 acre tract of land, this being the Point of Beginning; thence North 00 degrees 09 minutes 11 seconds West, along the Westerly line of said 6.00 acre tract of land, a distance of 1143.10 feet to the Southerly line of a 100 foot wide AEP easement recorded in Document Number 2017014328 in the Office of the Recorder of Allen County, Indiana; thence South 89 degrees 16 minutes 10 seconds West, along the Southerly line of said easement, a distance of 774.66 feet; thence South 88 degrees 35 minutes 48 seconds West, continuing along said Southerly line, a distance of 76.99 feet to the Northeast corner of a 7.56 acre tract of land conveyed to Old Dominion Freight Line, Inc. by deed recorded in Document No. 2018021449 in the Office of the Recorder of Allen County, Indiana; thence South 00 degrees 09 minutes 11 seconds East, a distance of 238.25 feet to the Northwest corner of Aviation Drive per Document No. 2013014050; thence North 89 degrees 50 minutes 49 seconds East, along the Northerly line of said Aviation Drive, a distance of 60.00 feet to the Northeast corner thereof; thence South 00 degrees 09 minutes 11 seconds East, along the Easterly line of said Aviation Drive, a distance of 894.99 feet to the Northwest corner of the aforesaid 20.317 acre tract of land; thence North 89 degrees 52 minutes 25 seconds East, along the Northerly line of said 20.317 acre tract, a distance of 791.60 feet to the Point of Beginning, containing 21.03 acres of land, subject to and/or together with all easements of record.



**State of Indiana**  
**Office of the Secretary of State**  
Foreign Registration Statement  
of  
**DO GOOD FOODS FORT WAYNE LLC**

I, HOLLI SULLIVAN, Secretary of State, hereby certify that an Registration Statement of the above Foreign Limited Liability Company has been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Code.

NOW, THEREFORE, with this document I certify that said transaction will become effective Monday, May 16, 2022.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, May 16, 2022.

A handwritten signature in cursive script that reads "Holli Sullivan".

HOLLI SULLIVAN  
SECRETARY OF STATE

202205161592582 / 9418125

To ensure the certificate's validity, go to <https://bsd.sos.in.gov/PublicBusinessSearch>



1 BILL NO. S-22-06-20

2 SPECIAL ORDINANCE NO. S- 86-22

3 AN ORDINANCE AUTHORIZING THE ISSUANCE OF  
4 CITY OF FORT WAYNE, INDIANA ECONOMIC  
5 DEVELOPMENT SOLID WASTE FACILITY  
6 REVENUE BONDS (DO GOOD FOODS FORT WAYNE  
7 LLC PROJECT), SERIES 2022, AND THE LENDING OF  
8 THE PROCEEDS THEREOF TO DO GOOD FOODS  
9 FORT WAYNE LLC, AND AUTHORIZING AND  
10 APPROVING OTHER ACTIONS WITH RESPECT  
11 THERETO

12 WHEREAS, the City of Fort Wayne, Indiana (the "City"), is a municipal  
13 corporation and political subdivision of the State of Indiana and, by virtue of I.C. 36-7-  
14 11.9 and I.C. 36-7-12 (collectively, the "Act"), is authorized and empowered to adopt  
15 this ordinance (this "Bond Ordinance") and to carry out its provisions; and

16 WHEREAS, the City is authorized by the Act to establish a program for the  
17 financing of economic development facilities through the issuance of taxable and tax-  
18 exempt revenue bonds (the "Program"), and loan the proceeds of the revenue bond issue  
19 to another entity to finance or refinance the acquisition, construction, renovation,  
20 installation and equipping of economic development facilities, including working capital  
21 therefor; and

22 WHEREAS, Do Good Foods Fort Wayne LLC, or an affiliate thereof (the  
23 "Borrower"), desires to finance the acquisition, construction and equipping of a new  
24 solid waste facility involving the intake of food waste that would otherwise be disposed  
25 of at solid waste landfills from approximately 450 supermarkets and the conversion  
26 thereof to chicken feed, to be located at 8645 Aviation Drive, Fort Wayne, Indiana 46809  
27 (the "Facilities"), which constitutes solid waste disposal facilities under Section  
28 142(a)(6) of the Internal Revenue Code of 1986, as amended (the "Code") (the  
29 acquisition, construction and equipping of such solid waste disposal facilities, the  
30 "Project"); and

WHEREAS, the Borrower has advised the City of Fort Wayne Economic  
Development Commission (the "Commission") and the City that it proposes the City  
issue its Economic Development Solid Waste Facility Revenue Bonds (Do Good Foods  
Fort Wayne LLC Project), Series 2022, in one or more taxable and tax-exempt series, in  
an aggregate amount not to exceed One Hundred Forty-Two Million Dollars  
(\$142,000,000) (the "Bonds") under the Act and loan the proceeds of the Bonds to the  
Borrower for the purpose of financing working capital and all or a portion of the  
Project; and

WHEREAS, the completion of the Project and the related Facilities will result in  
the diversification of industry, the creation of approximately one hundred (100) jobs and  
the creation of business opportunities in the City; and

1 WHEREAS, pursuant to I.C. 36-7-12-24 and Section 147 of the Code, the  
2 Commission published notice of a public hearing (the "Public Hearing") on the Project  
3 and on the proposed issuance of the Bonds to finance the Project; and

4 WHEREAS, the Commission has held the Public Hearing on the Project and the  
5 proposed issuance of the Bonds, approved the issuance of the Bonds and received  
6 uncontroverted evidence that there are no facilities which are similar to the Facilities that  
7 have already been constructed or operating in or near the City, except for those facilities  
8 owned by the Borrower; and

9 WHEREAS, the Commission has performed all actions required of it by the Act  
10 preliminary to the adoption of this Bond Ordinance and has approved and forwarded to  
11 the Common Council the forms of: (1) a Loan Agreement between the City and the  
12 Borrower (including a form of Note) relating to the Bonds (the "Loan Agreement"); (2)  
13 an Indenture of Trust with respect to the Bonds between the City and a bond trustee (the  
14 "Trustee") (the "Indenture"); (3) the Bonds; and (4) this Bond Ordinance (the Loan  
15 Agreement, the Indenture, the Bonds and this Bond Ordinance, collectively, the  
16 "Financing Agreements"); and

17 WHEREAS, no costs of the Project were paid more than 60 days prior to the date  
18 of this Bond Ordinance, other than preliminary expenditures (not exceeding 20% of the  
19 aggregate issue price of the Bonds), provided that such preliminary expenditures shall  
20 not include costs of land acquisition or site preparation or other costs of construction or  
21 acquisition of the Project; and

22 WHEREAS, Sections 1.142-4 and 1.150-2 of the Treasury Regulations on  
23 Income Tax (the "Reimbursement Regulations") specify conditions under which a  
24 reimbursement allocation may be treated as an expenditure of bond proceeds, and the  
25 Common Council intends by this Bond Ordinance to qualify amounts advanced by the  
26 Borrower to pay the costs of the Project for reimbursement from proceeds of the Bonds  
27 in accordance with the requirements of the Reimbursement Regulations.

28 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL**  
29 **OF THE CITY OF FORT WAYNE, INDIANA;**

30 **Section 1. Findings; Public Benefits.** The Common Council hereby finds  
and determines: that the Project involves the acquisition, construction and equipping of  
an "economic development facility" as that phrase is used in the Act; that the Project and  
related Facilities will increase employment opportunities and increase diversification of  
economic development in the City, will improve and promote the economic stability,  
development and welfare in the City, will encourage and promote the expansion of  
industry, trade and commerce in the City and the location of other new industries in the  
City; that the public benefits to be accomplished by this Bond Ordinance, in tending to  
overcome insufficient employment opportunities and insufficient diversification of  
industry, are greater than the cost of public services (as that phrase is used in the Act)  
which will be required by the Project; and, therefore, that the financing of the Project and  
working capital by the issuance of the Bonds under the Act: (a) will be of benefit to the  
health and general welfare of the City; and (b) complies with the Act.

1                    **Section 2. Approval of Financing.** The Program, and the proposed  
2 financing of working capital and the Project by the issuance of the Bonds under the Act,  
3 in the form that such financing was approved by Commission, is hereby approved.

4                    **Section 3. Authorization of the Bonds.** The issuance of the Bonds, payable  
5 solely from revenues and receipts derived from the Financing Agreements, is hereby  
6 authorized.

7                    **Section 4. Terms of the Bonds.**

8                    (a) The Bonds shall: (i) be executed at or prior to the closing date by the  
9 manual or facsimile signatures of the Mayor of the City (the "Mayor") and the City Clerk  
10 of the City (the "Clerk"); (ii) be dated as of the date of their delivery; (iii) mature on a  
11 date not later than December 31, 2052; (iv) bear interest at such rates as determined  
12 through the marketing of the Bonds on the date of sale at rates not to exceed fifteen  
13 percent (15%) per annum, with such interest payable as provided in the Financing  
14 Agreements; (v) be issuable in such denominations as set forth in the Financing  
15 Agreements; (vi) be issuable only in fully registered form; (vii) be subject to registration  
16 on the bond register as provided in the Indenture; (viii) be payable in lawful money of the  
17 United States of America; (ix) be payable at an office of the Trustee as provided in the  
18 Indenture; (x) be subject to optional redemption prior to maturity and subject to  
19 redemption as otherwise provided in the Financing Agreements; (xi) be issued in one or  
20 more taxable and tax-exempt series; and (xii) contain such other terms and provisions as  
21 may be provided in the Financing Agreements.

22                    (b) The Bonds and the interest thereon do not and shall never constitute an  
23 indebtedness of, or a charge against the general credit or taxing power of, the City, but  
24 shall be special and limited obligations of the City, payable solely from revenues and  
25 other amounts derived from the Financing Agreements. Forms of the Financing  
26 Agreements are before this meeting and are by this reference incorporated in this Bond  
27 Ordinance, and the Clerk is hereby directed, in the name and on behalf of the City, to  
28 insert them into the minutes of the Common Council and to keep them on file.

29                    **Section 5. Sale of the Bonds.** The Mayor is hereby authorized and directed,  
30 in the name and on behalf of the City, to select, as directed by the Borrower, an  
underwriter or placement agent to facilitate the sale of the Bonds, to sell the Bonds to the  
selected purchaser or purchasers at the price, in the manner and at the time set forth in a  
bond purchase or placement agreement to be approved by the Mayor, at such prices as  
are determined on the date of sale and approved by the Mayor.

**Section 6. Offering Memorandum.** The Common Council hereby  
authorizes and directs the Mayor, for and on behalf of the City, to approve and to  
distribute or cause to be distributed, an offering memorandum or other offering circular,  
in form and substance approved by the Mayor.

**Section 7. Execution and Delivery of Financing Agreements.** The Mayor  
and the Clerk are hereby authorized and directed, in the name and on behalf of the City,  
to execute or endorse and deliver the Indenture, the Loan Agreement, the Note from the

1 Borrower to the City, the Bonds and any bond purchase or placement agreement relating  
2 to each series of the Bonds.

3 **Section 8. Changes in Financing Agreements.** The Mayor is hereby  
4 authorized, in the name and on behalf of the City, without further approval of the  
5 Common Council or the Commission, to approve such changes in the Financing  
6 Agreements with respect to any series of Bonds as may be permitted by the Act, such  
7 approval to be conclusively evidenced by their execution thereof.

8 **Section 9. Declaration of Official Intent.** In anticipation of the issuance of  
9 the Bonds, and in order that completion of the Project will not be unduly delayed when  
10 approved, the Borrower may make such expenditures and advances toward payment of  
11 the costs of the Project as it considers necessary, and the Borrower may be reimbursed  
12 from the proceeds of the Bonds, if and when issued, in accordance with the  
13 Reimbursement Regulations.

14 **Section 10. General.** The Mayor and the Clerk, and each of them, are hereby  
15 authorized and directed, in the name and on behalf of the City, to execute or endorse any  
16 and all agreements, documents and instruments, perform any and all acts, approve any  
17 and all matters, and do any and all other things deemed by them, or either of them, to be  
18 necessary or desirable in order to carry out and comply with the intent, conditions and  
19 purposes of this Bond Ordinance (including the preambles hereto and the documents  
20 mentioned herein), the Project, the issuance and sale of the Bonds, and the securing of  
21 the Bonds under the Financing Agreements, and any such execution, endorsement,  
22 performance or doing of other things heretofore effected be, and hereby is, ratified and  
23 approved.

24 **Section 11. Binding Effect.** The provisions of this Bond Ordinance and the  
25 Financing Agreements shall constitute a binding contract between the City and the  
26 holders of the Bonds, and after the issuance of the Bonds, this Bond Ordinance shall not  
27 be repealed or amended in any respect which would adversely affect the rights of the  
28 holders of the Bonds as long as the Bonds or interest thereon remains unpaid.

29 **Section 12. Repeal.** All ordinances or parts of ordinances in conflict herewith  
30 are hereby repealed.

**Section 13. Effective Date.** This Bond Ordinance shall be in full force and  
effect from and upon compliance with the procedures required by law.

**REPORT OF CITY OF FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
CONCERNING PROPOSED FINANCING OF ECONOMIC DEVELOPMENT SOLID  
WASTE FACILITIES FOR DO GOOD FOODS FORT WAYNE LLC**

The City of Fort Wayne Economic Development Commission (the "Commission") proposes to recommend to the City of Fort Wayne Common Council that it loan the proceeds of certain economic development revenue bonds (the "Bonds") to Do Good Foods Fort Wayne LLC, or an affiliate thereof (the "Applicant") for the financing of certain economic development facilities.

In connection therewith, the Commission hereby reports as follows:

A. The proposed economic development facilities consist of the acquisition, construction and equipping of a solid waste facility involving the intake of food waste that would otherwise be disposed of at solid waste landfills from approximately 450 supermarkets and the conversion thereof to chicken feed, to be located at 8645 Aviation Drive, Fort Wayne, Indiana 46809 (the "Facilities"), which constitutes solid waste disposal facilities under Section 142(a)(6) of the Internal Revenue Code of 1986, as amended (the "Code") (the acquisition, construction and equipping of such solid waste disposal facilities, the "Project").

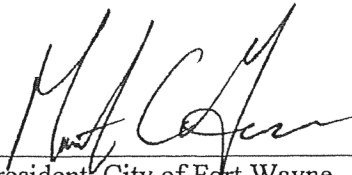
B. The Commission estimates that no public works or services, including public ways, schools, water, sewer, street lights and fire protection, will be made necessary or desirable by the Project, because any such works or services already exist or will be provided by the Applicant or other parties.

C. The Commission estimates that the total costs of the Facilities will be approximately \$142,000,000.

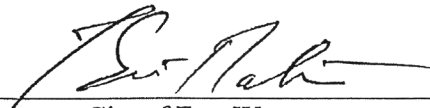
D. The Commission estimates that the Project will create approximately 100 new jobs upon completion with an annual payroll (including benefits) of approximately \$8,112,000.

E. There are no facilities similar to the Facilities or the Project that are already constructed or operating in the City, and consequently, the Facilities and the Project will have no adverse competitive effect on similar facilities already constructed or operating in the City, except for those facilities owned by the Applicant.

Adopted this 16<sup>th</sup> day of June, 2022.

  
\_\_\_\_\_  
President, City of Fort Wayne  
Economic Development Commission

Attest:

  
\_\_\_\_\_  
Secretary, City of Fort Wayne  
Economic Development Commission

**RESOLUTION NO. 6-17-2022**

**A RESOLUTION APPROVING AND AUTHORIZING CERTAIN  
ACTIONS AND PROCEEDINGS WITH RESPECT TO CERTAIN  
PROPOSED ECONOMIC DEVELOPMENT REVENUE BONDS**

WHEREAS, the City of Fort Wayne, Indiana (the "City"), is authorized by I.C. 36-7-11.9 and I.C. 36-7-12 (collectively, the "Act") to establish a program for the financing of economic development facilities through the issuance of taxable and tax-exempt revenue bonds (the "Program"), and loan the proceeds of the revenue bond issue to another entity to finance or refinance the acquisition, construction, renovation, installation and equipping of economic development facilities, including working capital therefor; and

WHEREAS, the City of Fort Wayne Economic Development Commission (the "Commission") understands that it is the intention of the City to establish the Program and to assist Do Good Foods Fort Wayne LLC, or an affiliate thereof (the "Borrower") in loaning the proceeds of taxable and tax-exempt revenue bonds to the Borrower for economic development facilities and working capital; and

WHEREAS, the Borrower desires to finance the acquisition, construction and equipping of a new solid waste facility involving the intake of food waste that would otherwise be disposed of at solid waste landfills from approximately 450 supermarkets and the conversion thereof to chicken feed, to be located at 8645 Aviation Drive, Fort Wayne, Indiana 46809 (the "Facilities"), which constitutes solid waste disposal facilities under Section 142(a)(6) of the Internal Revenue Code of 1986, as amended (the "Code") (the acquisition, construction and equipping of such solid waste disposal facilities, the "Project"); and

WHEREAS, the Borrower has advised the Commission and the City that it proposes the City issue its Economic Development Solid Waste Facility Revenue Bonds (Do Good Foods Fort Wayne LLC Project), Series 2022, in one or more taxable and tax-exempt series, in an aggregate amount not to exceed One Hundred Forty-Two Million Dollars (\$142,000,000) (the "Bonds") under the Act and loan the proceeds of the Bonds to the Borrower for the purpose of financing all or a portion of the Project; and

WHEREAS, the Commission has studied the Facilities, the Project and the proposed financing of the Project and its effect on the health and general welfare of the City and its citizens; and

WHEREAS, the completion of the Project and the related Facilities will result in the diversification of industry, the creation of approximately one hundred (100) new jobs and the creation of business opportunities in the City; and

WHEREAS, pursuant to I.C. 36-7-12-24 and Section 147 of the Internal Revenue Code of 1986, as amended (the "Code") the Commission published notice of a public hearing (the "Public Hearing") on the proposed issuance of the Bonds to finance the Project; and

WHEREAS, on the date hereof the Commission held the public hearing on the proposed issuance of the Bonds and the Project and received uncontroverted evidence that there are no

facilities which are similar to the Project and the related Facilities and have already been constructed or operating in or near the City, except for those facilities owned by the Borrower.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AS FOLLOWS:

SECTION 1. The Commission hereby finds, determines, ratifies and confirms that the diversification of industry, the creation of business opportunities, and the creation of opportunities for gainful employment within the jurisdiction of the City is desirable, serves a public purpose, and is of benefit to the health and general welfare of the City; and that it is in the public interest that the City take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation of opportunities for gainful employment within the jurisdiction of the City.

SECTION 2. The Commission hereby makes a finding of fact, based upon the uncontroverted evidence presented at the Public Hearing, that there are no facilities which are similar to the Project and the related Facilities and already constructed or operating in or near the City and, based upon such finding of fact, hereby determines that the Project and the related Facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or near the City, except for those facilities owned by the Borrower.

SECTION 3. The Commission hereby approves the report with respect to the Project and the related Facilities presented at this meeting. The Secretary of this Commission shall submit such report to the executive director or chair of the City of Fort Wayne Plan Commission and the school superintendent of Fort Wayne Community School Corporation.

SECTION 4. The Commission finds, determines, ratifies and confirms that the issuance and sale of the Bonds, in one or more taxable and tax-exempt series, in an aggregate amount not to exceed One Hundred Forty-Two Million Dollars (\$142,000,000), and the loan of the proceeds of the Bonds to the Borrower for the financing of all or a portion of the Project will be of benefit to the health and general welfare of the City, will serve the public purposes referred to above in accordance with the Act, and fully comply with the Act. The Bonds and the interest thereon do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of, the City, but shall be special and limited obligations of the City, payable solely from revenues and other amounts derived from the Financing Agreements (as defined below).

SECTION 5. The financing of all or a portion of the Project through the issuance of the Bonds, in one or more taxable and tax-exempt series, in an aggregate amount not to exceed One Hundred Forty-Two Million Dollars (\$142,000,000), is hereby approved.

SECTION 6. The Commission hereby approves the terms of the following documents in the form presented at this meeting: (a) a Loan Agreement, between the City and the Borrower; (b) an Indenture of Trust, between the City and a trustee to be determined (the "Trustee"); (c) the Bonds; and (d) an Ordinance of the Common Council of the City (collectively, the "Financing Agreements"). The President of the Commission is hereby authorized and directed to approve such changes to the terms of such documents as deemed by him or her to be necessary or desirable in order to issue the Bonds and to carry out and comply with the intent, conditions, and purposes of this Resolution.

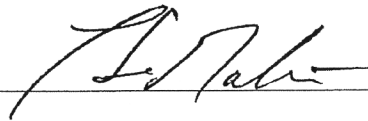
SECTION 7. Any officer of the Commission is hereby authorized and directed, in the name and on behalf of the Commission, to execute any and all other agreements, documents and instruments, perform any and all acts, approve any and all matters, and do any and all other things deemed by him to be necessary or desirable in order to carry out and comply with the intent, conditions and purposes of this Resolution (including the preambles hereto and the documents mentioned herein), the Project and the issuance and sale of the Bonds, and any such execution, performance, approval or doing of other things heretofore effected be, and hereby is, ratified and approved.

SECTION 8. The Secretary of this Commission shall transmit this Resolution, together with the forms of the documents approved by this Resolution, to the Common Council of the City.

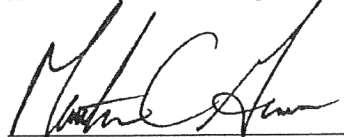
SECTION 9. This Resolution shall be in full force and effect upon adoption.

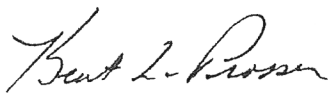
Adopted this 16<sup>th</sup> day of June, 2022.

CITY OF FORT WAYNE ECONOMIC  
DEVELOPMENT COMMISSION

  
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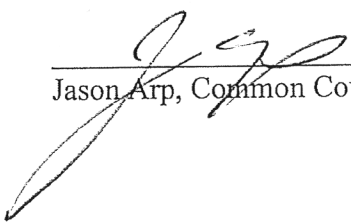
  
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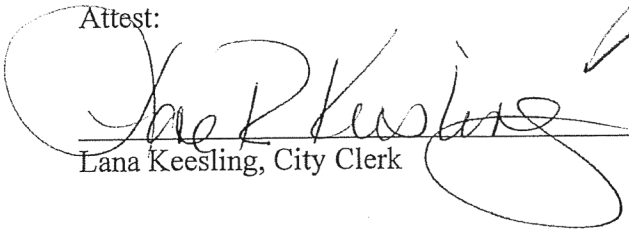
\_\_\_\_\_  
  
\_\_\_\_\_

1                    **Section 14. Copies of Financing Agreements on File.** Two copies of the  
2 Financing Agreements incorporated into this Bond Ordinance were duly filed in the  
3 office of the Clerk, and are available for public inspection in accordance with I.C. 36-1-  
4 5-4.

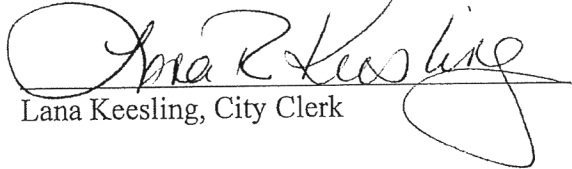
5 Introduced by: \_\_\_\_\_  
6 \_\_\_\_\_, Councilman

7 Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

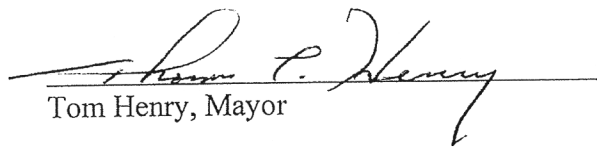
8  
9   
10 \_\_\_\_\_  
11 Jason Arp, Common Council President

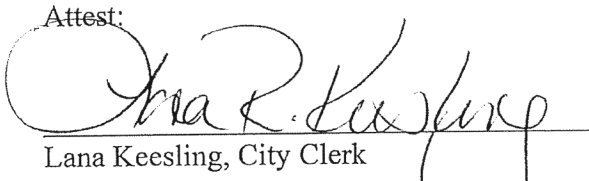
10 Attest:  
11   
12 \_\_\_\_\_  
13 Lana Keesling, City Clerk

14 Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

15   
16 \_\_\_\_\_  
17 Lana Keesling, City Clerk

18 Approved by me, the Mayor, this 13<sup>TH</sup> day of JULY, 2022.

19   
20 \_\_\_\_\_  
21 Tom Henry, Mayor

22 Attest:  
23   
24 \_\_\_\_\_  
25 Lana Keesling, City Clerk

26 Approved as to Form and Legality

27   
28 \_\_\_\_\_  
29 Malak Heiny, City Attorney  
30

**BILL NO. S-22-06-20**

**REPORT OF COMMITTEE ON FINANCE**

**July 12, 2022**

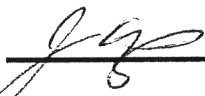

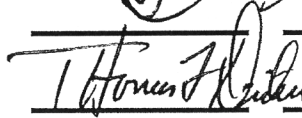
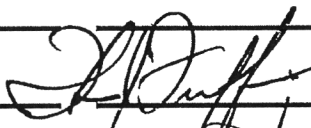
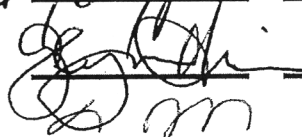

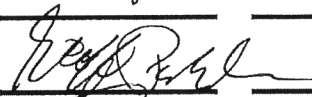

***Russ Jehl Chair***

***Sharon Tucker Co-Chair***

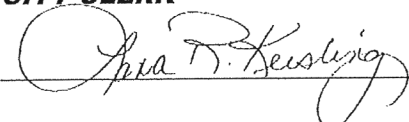
***All Council Members***

An Ordinance authorizing the issuance of City of Fort Wayne, Indiana, Economic Development Solid Waste Facility Revenue Bonds (Do Good Foods Fort Wayne LLC Project), Series 2022, and the lending of the proceeds thereof to Do Good Foods Fort Wayne LLC, and authorizing and approving other actions with respect thereto

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 Jehl, 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: July 12, 2022

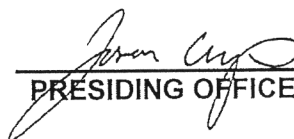
  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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

Special Ordinance No. S-22-06-20 on the 12th day of July, 2022

ATTEST:

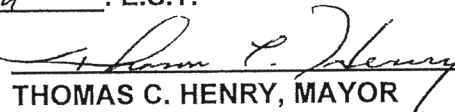
  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th of July 2022, at the hour of 9:10 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 13<sup>TH</sup> day of JULY 2022, at the hour of 2:30 o'clock PM E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA  
**RECEIVED**  
 JUL 13 2022  
 LANA R. KEESLING  
 CITY CLERK

**BILL NO. R-22-08-19**

**REPORT OF COMMITTEE ON FINANCE**

**September 13, 2022**


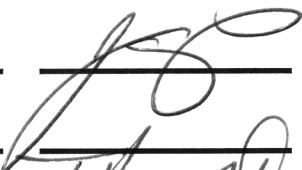
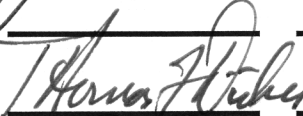


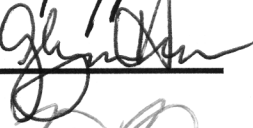

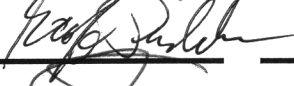
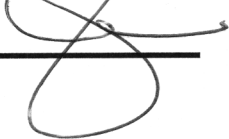
***Russ Jehl Chair***

***Sharon Tucker Co-Chair***

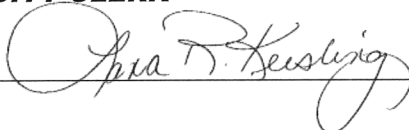
***All Council Members***

An Ordinance amending a prior Ordinance authorizing the issuance of City of Fort Wayne, Indiana Economic Development Solid Waste Facility Revenue Bonds (Do Good Foods Fort Wayne LLC Project), Series 2022, and the lending of the proceeds thereof to Do Good Foods Fort Wayne LLC, and authorizing and approving other actions with respect thereto

**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 Jehl.

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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: September 13, 2022

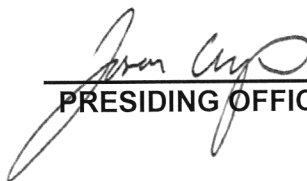
  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

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


Resolution No. R-22-08-19 on the 13th day of September, 2022

ATTEST:

  
 \_\_\_\_\_  
 LANA R. KEESLING  
 CITY CLERK

  
 \_\_\_\_\_  
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th of September 2022, at the hour of 9:15 o'clock A.M. E.S.T.

  
 \_\_\_\_\_  
 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 16<sup>th</sup> day of September 2022, at the hour of 10:00 o'clock Am E.S.T.

  
 \_\_\_\_\_  
 THOMAS C. HENRY, MAYOR

