BILL NO. R-23-11-24

RESOLUTION NO. R-85-23

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, APPROVING THE USE OF LOCAL INCOME TAX REVENUES FOR REIMBURSEMENT BY THE FORT WAYNE REDEVELOPMENT COMMISSION OF STREETSCAPE COSTS FOR THE ASHBERRY PROJECT

WHEREAS, on September 14, 2020, the City of Fort Wayne Redevelopment Commission (the "Commission") approved an economic development agreement (the "Agreement") with Ashberry Eight, LLC and Raze 222, LLC (collectively, the "Developer") for development and construction of the Ashberry project, which consists of a 7-story building containing 80,000 square feet of commercial space and approximately 383 structured parking spaces at an investment of more than $43.4 million, located between Main Street, Maiden Lane, and West Berry Street in downtown Fort Wayne (the "Project"); and

WHEREAS, as part of the Agreement, the Developer agreed to design, construct and install streetscapes on the sides of the project facing Berry, Maiden, and Main (the "Streetscapes"), and the Redevelopment Commission agreed to reimburse the Developer for those costs; and

WHEREAS, the Developer has completed the Streetscapes and has requested reimbursement for the actual cost of the Streetscapes in the amount of Three Hundred Ninety-Five Thousand Eight Hundred Seventy-Seven and 37/100 Dollars ($395,877.37), as more particularly described in attached Exhibit A; and

WHEREAS, the Commission has requested approval from the Common Council for the expenditure of LIT funds in the aforesaid amount to reimburse the Developer for the cost of the Streetscapes.

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

1. The Common Council hereby approves the use of LIT funds in the amount of Three Hundred Ninety-Five Thousand Eight Hundred Seventy-Seven and 37/100 Dollars ($395,877.37) for the reimbursement of the Streetscapes by the Commission.

2. This Resolution shall be in full force and effect from and after the time it has been adopted by the Common Council, approved by the Mayor and otherwise executed and delivered in accordance with any and all laws appertaining thereto.

Council Member

APPROVED as to form and legality

Malak Heiny, City Attorney

EXHIBIT
A

CMa PLUS LLC
CONSTRUCTION MANAGEMENT
ADVISORY

July 9, 2023

Joe Giant
Redevelopment Manager
City of Fort Wayne
Fort Wayne, IN 46802

RE: Ashberry/STAR Streetscape (City Reimbursement) INVOICE 20100.7923

Joe,

Please find attached the Berry Maiden Main, LLC Invoice for the Streetscape work and additional Streetscape unforeseen condition work approved by the City.

We have included the following documents.

1. Original 249 Page Summary of Costs from bid letting. $ 321,535.00

See page 3 & 4 for summary / bid tab

City Approved/Directed Changes

2. O'Neal Excavating Additional Work. Hydrovac eleven tree ball and root locations on Main Street, Maiden Lane and Berry Street. Hydrovac work span over a five week period for uncovering, inspections (Stacy Haviland) and backfilling. Fiber Optics, Street Light Power, Gas, Water, Storm Sewer and Existing Foundations were uncovered. In ten of the eleven locations. Concrete, Landscaping, Electrical and Earthwork Crews started and stopped a half a dozen times while inspections and approvals were being made.

   Hydrovac, Hand Uncovering and Backfill work for Main Street, Maiden Lane and Berry Street. $ 35,121.90

   (See Backup Change Order 7 to O'Neal from Berry, Maiden Main, LLC)

3. O'Neal Excavating Additional Work. Demolition and removal of two massive concrete Slabs/Slab lids on Maiden Lane under the existing asphalt. Inspections and approvals made by City (Bob Widner)

   Concrete demolition and haul off $ 10,853.00

   (See Backup Change Order 7 to O'Neal from Berry, Maiden Main, LLC)

4. O'Neal Excavating Additional Work. Undercut 150' x 20' of weak subsoils under the existing asphalt at the south end of Maiden Lane. Work Supervised by GME Testing (Third Party Inspector)

   Undercut and haul off wet weak soils $ 3,745.00

   (See Backup Change Order 7 to O'Neal from Berry, Maiden Main, LLC)

5. FWR Midwest Additional Work. Furnish and Install epoxy coated reinforcement steel to two mass slab areas. Fabricate reinforcement steel and fabricate reinforcement steel dowels. Epoxy dowels into existing slab lid formations and tie a double mat of reinforcement dowels in preparation of existing slab lid concrete extension.

   Fabricated Epoxy Steel, Epoxy, Labor, and trucking. $ 5,100.00
   (See FWR Midwest Invoice dated 5.22.23 and Payment made by CMa Plus.)

6. FCI Construction Additional Work. Hand excavate, Form, Pour, Finish, Strip and Clean up Two slab lid extensions on Maiden Lane, Pour 6" low so that new Asphalt Binder and Surface can be placed on the new pour. Pour 1.5" low for where new surface only can be installed due to the existing grade of the mass lids.

   Concrete Work $ 7,259.47
   (See Backup Change Order 14 to FCI from Berry, Maiden Main, LLC)

7. BROOKS CONSTRUCTION Additional Work. Cut out additional concrete on Main Street and place 11 ½" of full asphalt infill so that the future 4" milling of Main Street would be accomplished easier in the future. Work per City (Bob Widner)

   Asphalt Work $ 5,600.00
   (See Backup Change Order 3 to Brooks from Berry, Maiden Main, LLC)
   BMM, LLC paid $ 4,200.00 of the $9,800.00 Extra.

8. HARLOW Changed Work. Delete the 11 trees, far north planter and landscape bed at stair exit. Provide concrete walkway for the public to exit to Main Street.

   Landscape Work <$ 3,852.00>
   (See Backup Change Order 2 to Harlow from Berry, Maiden Main, LLC)

9. Kissinger Additional Work. Reroute light pole lighting for all poles. Bore under Maiden Lane and provide a pedestal for AEP to connect to the transformer.

   Electrical Work $ 10,515.00
   (See Backup Change Order 7 to Kissinger from Berry, Maiden Main, LLC)

10. Hagerman Construction Additional Work. Modify all walks, Modify all Planters, Eliminate Northern Planter. Modify all Light Pole Placements on Maiden
    $ No Change

11. Management of Streetscape Changes CMA Plus, LLC $ No Charge

12. OH & P on Streetscape Changes CMA Plus, LLC $ No Charge

Total Reimbursement by City $ 395,877.37

Note: $ 28,000.00 of tree grate materials were turned over to the city and delivered to Parkview Stadium garage.

Best Regards,

Loren C. Bunnell

Loren Bunnell
Principal, CMa Plus, LLC

CMa PLUS LLC
CONSTRUCTION MANAGEMENT
ADVISORY

July 25, 2022

Stacy Haviland
Landscape Architect
Community Development Administrator
City of Fort Wayne
Fort Wayne, IN 46802

RE: Ashberry/STAR Work Schedule: Work to be completed by December 1, 2022

Stacy,

Please find attached the backup required for the Streetscape Improvements for Berry Street, Maiden Lane, and Main Street. Included in our packet are the approved Streetscape Drawings as reference.
We have included the following documents.

1.	Summary for the bid results including the Streetscape dollars.	1000
2.	Streetscape Drawings Berry and Maiden	1005
3.	Streetscape Drawings Maiden and Main	1006
4.	Bid Invitation for Concrete	1010
5.	Bid Results Concrete	1011,1012,1013
6.	Bid Invitation for Landscaping, Accessories and Light Poles	1020
7.	Bid Results for Landscaping, Accessories and Light Poles	See Below
		1021,1022,1023,1024,1025,1026,1027,1028,1029,1030
8.	Pay Amount Details	1031, 1032,1033,1034,1035,1036
9.	Earthwork Quote	1040

Total Streetscape Competitive Bid Aggregate	$ 299,935.00 *	
Estimate for Civil Engineering	$ 7,200.00	Engineering Resources
Estimate for Architectural Design	$ 5,400.00	Hoch Associates
Estimate for Management	$ 9,000.00	CMa Plus, LLC
Total Streetscape	$ 321,535.00	

- Please note this is direct cost. No General Contractor, Construction Manager or Architectural and or Engineering fees have been included for this work.

Best Regards,

Loren C Bunnell

Loren Bunnell
Principal, CMa Plus, LLC

STAR Mixed Use Parking Garage & Tenant Space

Bid Package 1 and 2 Summary Tab

BA	Bidders	Base Bid	Apparent Low bidder	Streetscape Value	Streetscape Item	Addendums Noted	Submitted on Bid Form
0300	**Concrete**	Hagerman	**$ 4,168,000**	$ 115,806	Sidewalks/Planterwalls		
	Hagerman	$ 4,168,000				Yes	Yes
	Fetters	$ 5,260,000				Yes	Yes
	Michael Kinder & Sons	$ 4,586,000				Yes	Yes
600	**Carpentry**	FCI	**$ 28,847**	$ 2,500	Bike Racks		
	Hagerman	$ 1,228,600		$ 3,000	Waste Receptacles	Yes	Yes
	CME	$ 1,242,000		$ 9,200	Benches	Yes	Yes
	Fetters	$ 1,082,500		$ 1,073	Bollard Covers	Yes	Yes
				$ 32,000	Tree Grates		
				$ 3,120	Tree Grates Increase		
3290	**Landscaping**	Harlow	**$ 28,847**	$ 28,847	Landscaping/Pavers		
	Clounie	$ 48,350				Yes	Yes
	Harlow	$ 28,847				Yes	Yes
2600	**Electrical/Site Electrical**	Kissinger	**$ 1,556,935**	$ 62,465	Light Poles		
	HiTech	$ 1,578,346				Yes	Yes
	Kissinger	$ 1,556,935				Yes	Yes
	LA Electric	$ 1,897,000				Yes	Yes
	Service Electric	$ 2,240,000				Yes	Yes
	Votaw Electric	$ 1,661,954					
3100	**Sitework, Utilities, Mass**	O'Neal	**$ 1,729,966**	$ 41,924	Earthwork/Prep/Stone	Yes	Yes
				$ 299,935			

DIGEST SHEET

TITLE OF ORDINANCE. A Resolution of the Common Council of the City of Fort Wayne, Indiana, Approving the Use of Local Income Tax Revenues for Reimbursement by the Fort Wayne Redevelopment Commission of Streetscape Costs for the Ashberry Project

DEPARTMENT REQUESTING RESOLUTION. Redevelopment Department

SYNOPSIS OF RESOLUTION. As part of the Economic Development Agreement for the Ashberry / Star Bank project, which is a 7-story building with 80,000 square feet of commercial space and approximately 383 parking spaces, the Redevelopment Commission agreed to reimburse the developer for costs associated with the construction of streetscapes surrounding three sides of the project. This resolution would approve use of $395,877.37 of LIT funds for reimbursement.

EFFECT OF PASSAGE. The Economic Development Agreement for the Ashberry / Star Bank project required that, upon completion and acceptance by Public Works of the streetscapes surrounding the Berry, Maiden, and Main sides of the projects, the Redevelopment Commission would reimburse the developer for the cost of the streetscapes. The developer has completed its obligations under the Agreement, including adhering to public bidding requirements of the City and State, so to fulfill its own obligations under the Agreement, the Commission must reimburse the Developer the aforesaid amount.

EFFECT OF NON-PASSAGE. Without approval of this Resolution, the Commission would need to identify another source for payment of this obligation, or risk breaching the Economic Development Agreement. This anticipated expenditure has been included in the City's approved 2023 LIT budget, so failure to pass this Resolution could have a downstream effect on other projects if another funding source needed to be identified.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). $395,877.37 of LIT funds.

ASSIGNED TO COMMITTEE (PRESIDENT). _____

COMMUNITY DEVELOPMENT

Vibrant. Prosperous. Growing.

Thomas C. Henry, Mayor

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

260 427-1127 fwcommunitydevelopment.org

MEMO

To: City of Fort Wayne Common Council

Copy: City of Fort Wayne Department of Redevelopment

From: Jonathan Leist, Deputy Director, 427-1323

Subject: A Resolution of the Common Council Approving the Use of Local Income Tax Revenues for Reimbursement by the Fort Wayne Redevelopment Commission of Streetscape Costs for the Ashberry Project

Date: November 7, 2023

The Community Development Division is requesting the Common Council's consideration and approval of a resolution authorizing the Redevelopment Commission to use $395,877.37 from LIT funds to reimburse the developer of the Ashberry/Star Bank project for the costs associated with the installation of streetscapes on three sides of the project.

The Ashberry/Star Bank project consists of a new 7-story, $43,400,000 building located between Berry, Maiden, and Main in downtown Fort Wayne. According to the Economic Development Agreement for the project, the Commission is obligated to reimburse the developer for the cost of the streetscapes upon substantial completion of the building and acceptance of the streetscapes by Public Works into the infrastructure system. Both of these conditions have been met.

It's important to note that the cost is significantly lower than the $750,000 budgeted for the project in the City's approved LIT budget.

Please find enclosed herewith a Digest Sheet, Resolution, and supporting materials to fulfill this obligation.

If you have any questions or need further information, please don't hesitate to contact me at 427-1323.

Thank you for your attention to this matter.

BILL NO. R-23-11-24

REPORT OF COMMITTEE ON FINANCE

November 28, 2023

Geoff Paddock Chair

Jason Arp Co-Chair

All Council Members

A Resolution of the Common Council of the City of Fort Wayne, Indiana, approving the use of Local Income Tax revenues for reimbursement by the Fort Wayne Redevelopment Commission of streetscape costs for the Ashberry Project

LIT funds in the amount of $395,877.37

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

COUNCIL MEMBER	DO PASS	DO NOT PASS	ABSTAIN
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 Paddock.
Read the second time by title and referred to the Finance Committee.
Read the third time in full and on motion by Councilperson Paddock, placed on passage by the following vote:

TOTAL VOTES	AYES	NAYS	ABSTAINED	ABSENT
ARP	☐	☒	☐	☐
CHAMBERS	☒	☐	☐	☐
DIDIER	☐	☐	☐	☒
ENSLEY	☐	☒	☐	☐
FREISTROFFER	☒	☐	☐	☐
HINES	☒	☐	☐	☐
JEHL	☐	☐	☐	☒
PADDOCK	☒	☐	☐	☐
TUCKER	☒	☐	☐	☐

DATED: November 28, 2023

LANA R. KEESLING, CITY CLERK

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

Resolution No. R-23-11-24 on the 28th day of November , 2023

ATTEST:

LANA R. KEESLING
CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th of November 2023, at the hour of 2:15 o'clock PM. E.S.T.

LANA R. KEESLING, CITY CLERK

Approved and signed by me this 1st day of December 2023, at the hour of 4:30 o'clock PM. E. S.T.

THOMAS C. HENRY, MAYOR

FORT WAYNE, INDIANA
RECEIVED
DEC 04 2023
LANA R. KEESLING
CITY CLERK