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BILL NO. S-11-03-19

SPECIAL ORDINANCE NO. S- 94-11

**JOINT ORDINANCE OF THE COMMON
COUNCIL OF THE
CITY OF FORT WAYNE AND THE
BOARD OF COMMISSIONERS OF THE
COUNTY OF ALLEN ASSIGNING THE
JURISDICTION OF CERTAIN TRACTS OF REAL ESTATE
TO THE ALLEN COUNTY REDEVELOPMENT COMMISSION**

THIS ORDINANCE, adopted on the day set forth hereinafter, by the Board of Commissioners of the County of Allen, Indiana (the "Board") and the Common Council of the City of Fort Wayne, Indiana (the "Common Council").

WHEREAS, the Allen County Redevelopment Commission (the "County Redevelopment Commission"), pursuant to its authority under I.C. §36-7-14, *et seq.*, and the Board intend to designate certain property described in Exhibit A and B attached hereto and incorporated herein as an economic development and tax allocation area (the "Kroemer Road TIF Area") and

WHEREAS, the Common Council may hereafter adopt an Ordinance that approves the annexation of the Kroemer Road TIF Area into the City of Fort Wayne; and

WHEREAS, the County Redevelopment Commission has commenced the planning of certain improvements which will serve the Kroemer Road TIF Area (the "Project") described in Exhibit C attached hereto and incorporated herein and the repayment to the Board and the City of Fort Wayne ("City") for costs associated with the Project:

WHEREAS, the continuation of such designation is anticipated to generate sufficient funds, to complete the Project, as well as to fund future projects to serve the Kroemer Road TIF Area, all of which will encourage local economic development and will benefit the citizens of the City and Allen County.

NOW, THEREFORE, in accordance with I.C. §36-7-25-14, the Board and the Common Council resolve that:

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1. The Common Council cedes future jurisdiction of the Fort Wayne Redevelopment Commission over the Kroemer Road TIF Area to the Board and the County Redevelopment Commission *ab initio*.

2. The Board, on behalf of the County Redevelopment Commission, accepts continuing jurisdiction over the Kroemer Road TIF Areas pursuant to and in accordance with I.C. §36-7-25-14, *et seq.*

3. This Ordinance shall remain in effect until the completion of and payment for the Project and any cost incurred by either party hereto in furtherance thereof. Thereafter, if amended, the ceding of this jurisdiction may be terminated at any time by either legislative body.

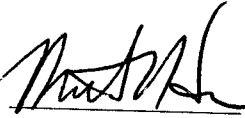
4. If so terminated by the Common Council, to the extent funds generated in the Kroemer Road TIF Area exceed the amount not required to complete the Project, such excess funds shall be paid to a fund established by the Fort Wayne Redevelopment Commission and expended as determined solely by the Fort Wayne Redevelopment Commission in accordance with I.C. §36-7-14, *et seq.*

5. The ceding of jurisdiction to the Kroemer Road TIF Area as provide herein is solely for redevelopment and economic development purposes and no other. Except as specifically provided herein, the City will retain authority over the Kroemer Road TIF Area for all purposes.

IN WITNESS WHEREOF, the parties set their hands and seals this 12th day of April, 2011.

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The Board of Commissioners of the County of Allen Common Council of the City of
Fort Wayne

By:  President

F. Nelson Peters

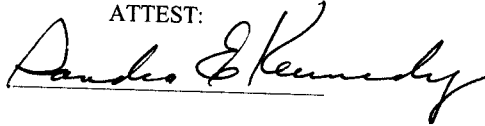
Linda K. Bloom

Therese M. Brown

ATTEST:

Terry K. Klutz, Auditor

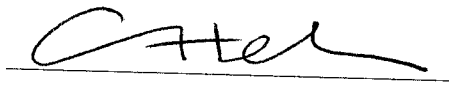
ATTEST:



Sandra E. Kennedy, City Clerk

APPROVED AS TO FORM:

G. William Fishing, County Attorney



Carol Helton, City Attorney

246676v3

Read the first time in full and on motion by Sherrill, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 2011, at _____ o'clock _____ M.E.S.T.

DATED: 3-22-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Sherrill, and duly adopted, placed on its passage. PASSED ~~READ~~
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 4-12-11

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. 8-94-11 on the 12th day of April, 2011

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Matthew Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of April, 2011, at the hour of 11:00 o'clock A. M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of APRIL, 2011, at the hour of 4:00 o'clock _____ M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR