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2 **BILL NO. S-19-08-35**

SPECIAL ORDINANCE NO. S- 110-19

3 AN ORDINANCE approving ADDENDUM -
4 INTERLOCAL AGREEMENT - DIEBOLD RD
5 IMPROVEMENTS PHASE II -RESOLUTION #054A
6 between BOARD OF COMMISSIONERS OF THE
7 COUNTY OF ALLEN, INDIANA AND THE ALLEN
8 COUNTY REDEVELOPMENT COMMISSION and the
9 City of Fort Wayne, Indiana, in connection with the
10 Board of Public Works.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMON**
12 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

13 **SECTION 1.** That the ADDENDUM - INTERLOCAL AGREEMENT -
14 DIEBOLD RD IMPROVEMENTS PHASE II -RESOLUTION #054A by and between
15 BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, INDIANA AND
16 THE ALLEN COUNTY REDEVELOPMENT COMMISSION and the City of Fort
17 Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified,
18 and affirmed and approved in all respects, respectfully for:

19 All labor, insurance, material, equipment, tools, power,
20 transportation, miscellaneous equipment, etc., necessary for
21 improvements to Diebold Rd from N Clinton St north to where
22 phase I stopped construction;

23 involving a total cost of FOUR MILLION FIVE HUNDRED FIFTY-TWO
24 THOUSAND NINE HUNDRED NINETY-TWO AND 00/100 DOLLARS
25 (\$4,552,992.00) (Cum Cap funded with TIF repayment over time). A copy of said
26 Addendum to the Interlocal Agreement – Diebold Road Improvements is on file
27 with the Office of the City Clerk and made available for public inspection, according
28 to law.
29
30

ADDENDUM
TO THE
INTERLOCAL AGREEMENT
BETWEEN
THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, INDIANA
AND
THE CITY OF FORT WAYNE, INDIANA
CONCERNING
DIEBOLD ROAD IMPROVEMENTS

THIS ADDENDUM, is made and entered into this 9th day of July, 2019, by and between the **Board of Commissioners of the County of Allen, Indiana** (“COUNTY”), the **City of Fort Wayne, Indiana, by and through its Board of Public Works** (“CITY”), and the **Allen County Redevelopment Commission** (“COMMISSION”).

RECITALS:

WHEREAS, the COUNTY, the CITY, and the COMMISSION have entered into an Interlocal Agreement dated December 19, 2014, to jointly finance, develop, and construct improvements to Diebold Road from North Clinton Street to East Dupont Road (“PROJECT”); and

WHEREAS, the COMMISSION has created the Dupont Corner economic development area (the “Dupont Center EDA”) for the purpose of funding the project through periodic payments through a tax incremental funding designation; and

WHEREAS, the COMMISSION has also created the Dupont Diebold Economic Development Area (the “Dupont Diebold EDA”) for the purpose of assisting in the funding of the Project among other purposes; and

WHEREAS, realignment of the south section of Diebold Road and reconfiguration of its intersection with North Clinton has been proposed; and

WHEREAS, the parties are desirous to carry forward the proposed realignment and intersection, and so, to amend in part the project scope and budget necessary for plan development, right-of-way acquisition, and construction toward that end;

NOW, THEREFORE, in consideration of the foregoing Recitals and the mutual promises and covenants set forth in the Interlocal Agreement, the Parties hereto agree that:

1. The table of "Estimated Project Costs" in Section 4 of the Interlocal Agreement shall be replaced with the updated table in Exhibit "A", entitled "Estimated Project Costs & Proposed Funding Split"; and
2. Section 9(b) shall be amended to read as follows:

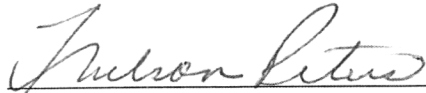
The City and the County will be reimbursed for all costs for the Project paid by each hereunder with revenues generated by the Dupont Center EDA and the Dupont Diebold EDA. Such reimbursement payments shall be made on a pro rata basis to the City and the County on an annual basis from first available TIF Revenues from the Dupont Center EDA and available revenues from the Dupont Diebold EDA until the City and the County have been fully reimbursed for all funds paid by the City and the County hereunder. The use of the TIF Revenues from the Dupont Center EDA for any other purpose prior to the reimbursement in full of the City and the County shall require unanimous approval of the Board of Works of the City of Fort Wayne and the Board of Commissioners of the County of Allen, Indiana.

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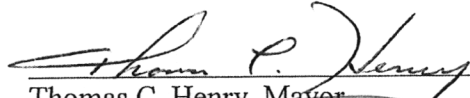
IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this Agreement as of the day and year first written above.

**BOARD OF COMMISSIONERS,
COUNTY OF ALLEN, INDIANA**

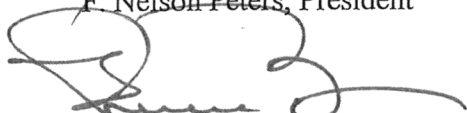
**MAYOR & THE BOARD OF
PUBLIC WORKS, CITY OF FORT
WAYNE, INDIANA**



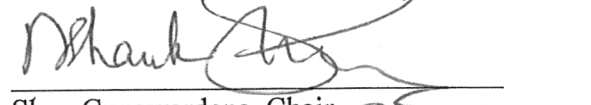
F. Nelson Peters, President



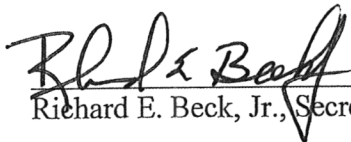
Thomas C. Henry, Mayor



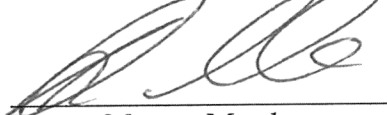
Therese M. Brown, Vice President



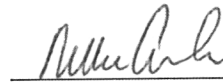
Shan Gunawardena, Chair



Richard E. Beck, Jr., Secretary



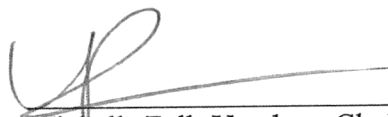
Kumar Menon, Member



Mike Avila, Member

Attest:


Chris Cloud, Deputy County Auditor

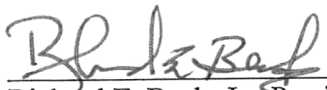
Attest:


Michelle Fulk-Vondran, Clerk

Date: 7-19-2019

Date: 7.9.19

**ALLEN COUNTY
REDEVELOPMANT COMMISSION**



Richard E. Beck, Jr., President

EXHIBIT "A"

ESTIMATED PROJECT COSTS & PROPOSED FUNDING SPLIT

	12/31/2018			
	TOTAL (100%)	COUNTY SHARE (50%)	CITY SHARE (50%)	Portion of TOTAL expended in North Phase
A. Preliminary Engineering	\$639,915.00	\$319,957.50	\$319,957.50	\$264,644.92
B. Right-of-Way Acquisition	\$920,020.00	\$460,010.00	\$460,010.00	\$285,019.94
C. Utility Reimbursements	\$140,000.00	\$70,000.00	\$70,000.00	\$0.00
D. Construction Cost	\$4,650,000.00	\$2,325,000.00	\$2,325,000.00	\$1,247,277.49
TOTAL	\$6,349,935.00	\$3,174,967.50	\$3,174,967.50	\$1,796,942.35

Estimated costs shown above are subject to revision and adjustment as the Project progresses.

DIGEST SHEET

Department: Transportation Engineering

Resolution Number: #054A

Title of Ordinance: Diebold Rd Improvements Phase II – Interlocal Agreement

Amount of Contract:

Original contract amount to \$4,552,992 (Cum Cap funded with TIF repayment over time)

Description of Project (Be Specific):

Contract is between the City of Fort Wayne and the Board of Commissioners of the County of Allen for improvements to Diebold Rd from N Clinton St north to where phase I stopped construction.

What Are The Implications If Not Approved:

The failure of Diebold Rd to meet future traffic needs.

If Prior Approval Is Being Requested, Justify: N/A

Additional Comments: N/A

BILL NO. S-19-08-35

**REPORT OF COMMITTEE ON PUBLIC WORKS
September 10, 2019**

Paul Ensley Chair

Glynn Hines Co-Chair

All Council Members

An Ordinance approving Addendum – Interlocal Agreement - Diebold Rd Improvements Phase II -Resolution #054A between Board of Commissioners of the County of Allen, Indiana and the Allen County Redevelopment Commission and the City of Fort Wayne, Indiana, in connection with the Board of Public Works

Involving a total cost of \$4,552,992.00




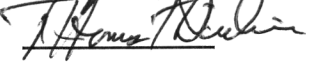
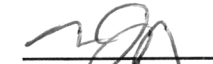
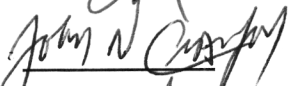


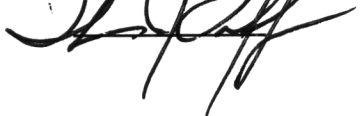
COMMITTEE ON PUBLIC WORKS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

DO PASS

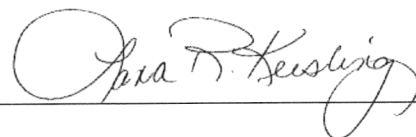
DO NOT PASS

ABSTAIN

NO REC

 _____	_____	_____	_____
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LANA R. KEESLING CITY CLERK



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Ensley.

Read the second time by title and referred to the Public Works Committee.

Read the third time in full and on motion by Councilman Ensley, placed on passage by the following vote:

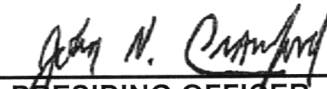
<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<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 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"/>

DATED: September 10, 2019


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
Special Ordinance No. S-19-08-35 on the 10th day of September, 2019


LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th
of September 2019, at the hour of 11:40 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 12TH day of September
2019, at the hour of 9:30 o'clock AM . E.S.T.


THOMAS C. HENRY, MAYOR

