

1 #REZ-2021-0049

2 BILL NO. Z-21-09-15

3
4 ZONING MAP ORDINANCE NO. Z- 22-21

5 AN ORDINANCE amending the City of Fort Wayne
6 Zoning Map No. L-02 (Sec. 11 of Wayne Township)

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. That the area described as follows is hereby designated an I1 (Limited
10 Industrial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
11 Wayne, Indiana:

12 The East 17 feet of Lot Number 7 and the West 8 feet of vacated Prince Street in Chute and
13 Princes's Addition to the City of Fort Wayne, according to the plat thereof recorded in Deed
14 Book Q, page 174 in the Office of the Recorder of Allen County, Indiana.

15 Together with:

16 The East 25 feet of the West 33 feet of the vacated space formerly known as Prince Street in
17 Chute and Prince's Addition to the City of Fort Wayne, Allen County, Indiana.

18 and the symbols of the City of Fort Wayne Zoning Map No. L-02 (Sec. 11 of Wayne
19 Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
20 Wayne, Indiana is hereby changed accordingly.

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23 SECTION 2. If a written commitment is a condition of the Plan Commission's
24 recommendation for the adoption of the rezoning, or if a written commitment is modified and
25 approved by the Common Council as part of the zone map amendment, that written
26 commitment is hereby approved and is hereby incorporated by reference.

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1 SECTION 3. That this Ordinance shall be in full force and effect from and after its
2 passage and approval by the Mayor.

3
4 
5 _____
6 Council Member

7 APPROVED AS TO FORM AND LEGALITY:

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9 _____
10 Carol T. Helton, City Attorney

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REZ-2021-0049 and PDP-2021-0036 Bushey's



CSX Line Code 3102

NORFOLK SOUTHERN

FAIRFIELD AVE.

BASS ST.

HOAGLAND AVE.

WEBSTER ST.

MELITA ST.

BRANDRIFF ST.

MASTERSON AVE.

MASTERSON AVE.

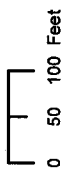
PRINCE ST.

LOCUST ST.

PINE ST.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 9/22/02



1 inch = 200 feet



REZ-2021-0049 and PDP-2021-0036 Bushey's



CSX Line Code 3102

W NORTH SOUTHERN

FAIRFIELD AVE.

BASS ST.

HOAGLAND AVE.

WEBSTER ST.

BRANDRIFF ST.

PRINCE ST.

R9

PINE ST.

LOCUST ST.

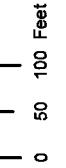
MASTERSON AVE.

MASTERSON AVE.

R9

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**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant Bushey's Inc
 Address 1701 Fairfield Avenue
 City Fort Wayne State Indiana Zip 46807
 Telephone 260-740-2745 E-mail jim.bushey@gmail.com

Contact Person
 Contact Person Jim Bushey
 Address 1701 Fairfield Avenue
 City Fort Wayne State Indiana Zip 46807
 Telephone 260-740-2745 E-mail jim.bushey@gmail.com

All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 430 and 434 Bass Street, Fort Wayne, IN 46802
 Present Zoning R3 Proposed Zoning I1 Acreage to be rezoned 0.18
 Proposed density _____ units per acre
 Township name Wayne Township Township section # 0113012
 Purpose of rezoning (attach additional page if necessary) Currently two vacant lots that we would like to rezone and add to our existing business property.
 Sewer provider Yes Water provider Yes

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.
 Applicable filing fee
 Applicable number of surveys showing area to be rezoned (plans must be folded)
 Legal Description of parcel to be rezoned
 Rezoning Questionnaire (original and 10 copies) County Rezonings Only

I/we understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

Jamy Bushey (printed name of applicant) [Signature] (signature of applicant) 8/24/21 (date)
Jamy Bushey (printed name of property owner) [Signature] (signature of property owner) 8/24/21 (date)
 _____ (printed name of property owner) _____ (signature of property owner) _____ (date)
 _____ (printed name of property owner) _____ (signature of property owner) _____ (date)

Received <u>8-24-2021</u>	Receipt No. <u>138175</u>	Hearing Date <u>10-11-2021</u>	Petition No. <u>REZ-2021-0049</u>
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**GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.**

1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

Boundary Retracement Survey

Property Address:

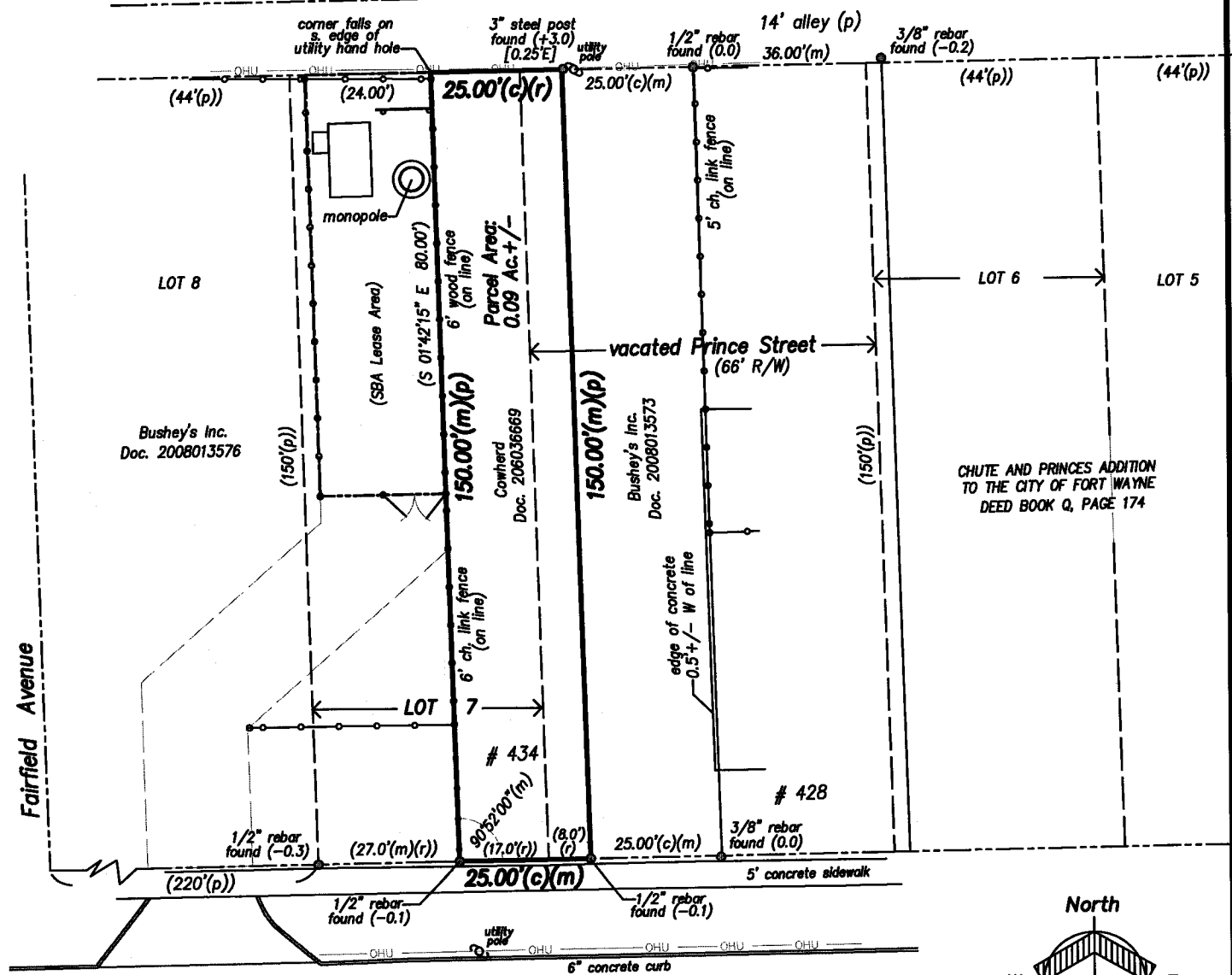
434 Bass Street, Fort Wayne, IN 46802

LEGEND

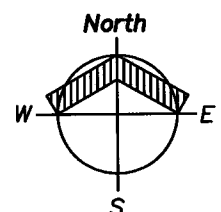
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- (r) RECORDED
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- (p) PLATTED INFORMATION

Flood Note:

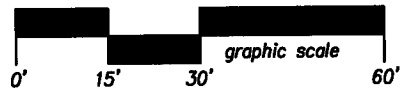
By graphic plotting only and subject to map scale uncertainties, the real estate described and depicted hereon appears to lie in Zone "X" (NOT considered a special flood hazard area) on FIRM Map Number 18003C0284G, effective 8/3/2009 for the City of Fort Wayne, Indiana.



CHUTE AND PRINCES ADDITION
TO THE CITY OF FORT WAYNE
DEED BOOK Q, PAGE 174



SCALE: 1" = 30'



Date: October 12, 2020
Job No.: 20200391
Sheet: 1 of 2



**GOULOFF - JORDAN
SURVEYING AND DESIGN, INC.**

1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916

Boundary Retracement Survey

Property Address:

434 Bass Street, Fort Wayne, IN 46802

DESCRIPTION

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SURVEYOR'S REPORT

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29 and all amendments thereto of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8 inch round by 24 inch long steel rebars with yellow plastic caps stamped "GOU LS29500017", and set flush with the ground surface, unless otherwise noted.

Monuments found are noted with an above (x.x) or below (-x.x) ground surface dimension.

PURPOSE:

The purpose of this survey is to "retrace" the boundary of the real estate described hereon.

THEORY OF LOCATION:

The lines and corners for this survey were established as depicted on the survey drawing.

The uncertainty in the lines and corners found or established by this survey are as follows:

(A) Availability and condition of reference monuments:

Monuments found are described and depicted on the survey drawing.

Uncertainty created by the location of the monuments found or set on the subject property due to variations in reference monuments (monuments found on the subject property and on adjacent properties) is the difference between "measured" and "platted" or "recorded" angular or distance measurements as depicted on the survey drawing. The uncertainty for this survey is 0.3 feet +/-.

(B) Occupation or possession lines:

No uncertainty was created by visible occupation or possession lines. See survey drawing for fence type and location. Fence ownership is unknown.

(C) Clarity or ambiguity of the record description and or adjoiner's descriptions:

No uncertainty was created by the above mentioned documents.

(D) This survey falls under the classification of a "Suburban" survey. The acceptable relative positional accuracy (random errors in measurements) = 0.13 feet (40 millimeters) plus 100 parts per million as specified in Section 7 of said Rule 12.

SURVEYOR'S CERTIFICATION

This survey was performed by, or under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 865 IAC-1-12-1 thru 29.

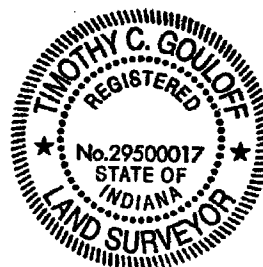
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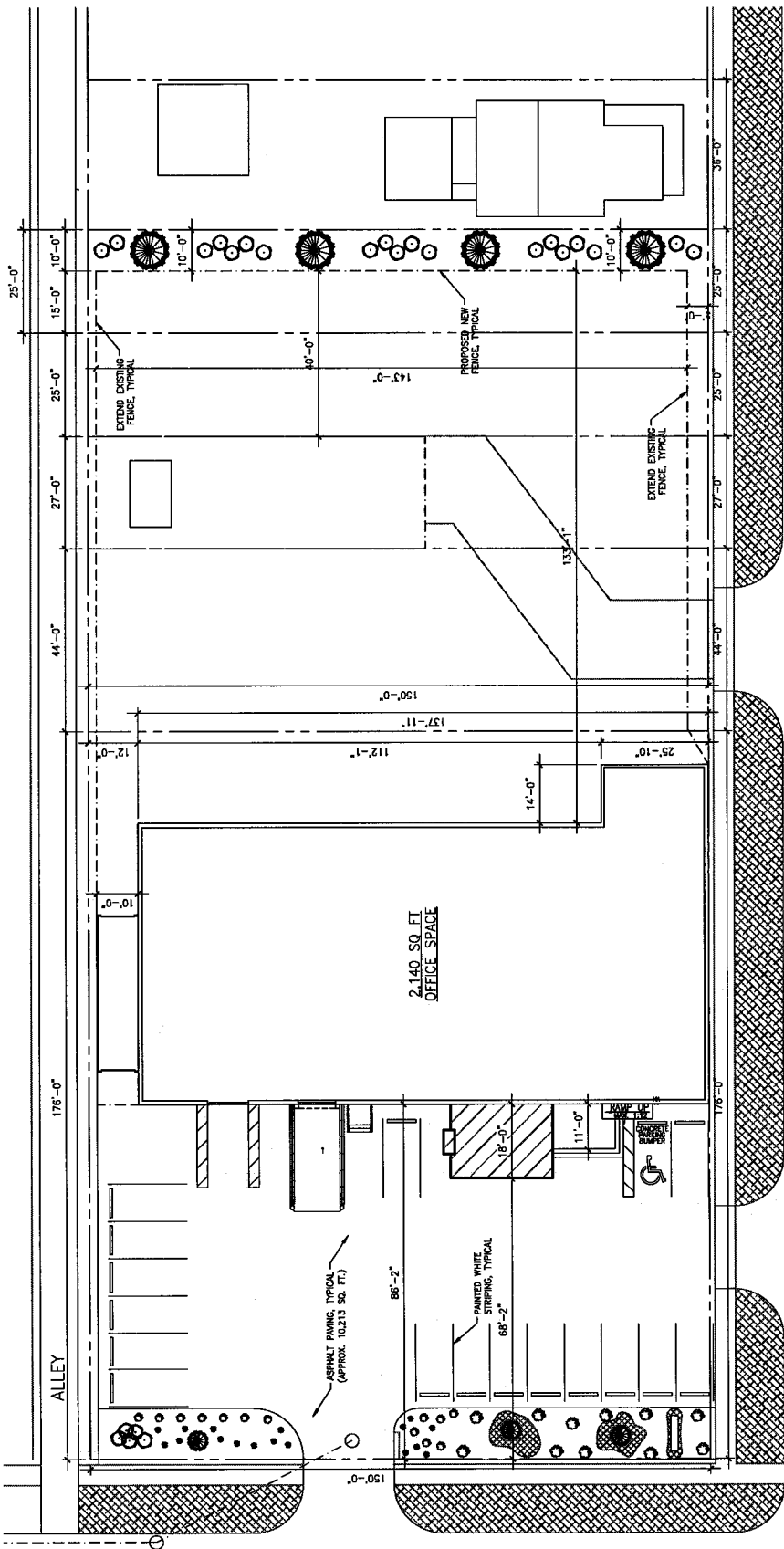
DATED THIS 12th DAY OF OCTOBER, 2020.

Timothy C. Gouloff, R.L.S. 29500017

Job No.: 20200391

Sheet: 2 of 2





- NOTES:
1. PROVIDE ACCESSIBLE PARKING SPACES IN ACCORDANCE WITH ADA STANDARDS.
 2. PROVIDE CURBS AND EXPANSION JOINTS PER INDUSTRY STANDARDS IN CONCRETE WALKS AND SLABS ON GRADE.
 3. SLOPE ALL CONCRETE AT MINIMUM 1:50 AWAY FROM BUILDING AND TOWARDS PARKING.

BASS STREET

PRINCE ST

FAIRFIELD AVENUE

FACT SHEET

Case #REZ-2021-0049	Bill # Z-21-09-15	Project Start: September 2021
APPLICANT:	Bushey's Inc.	
REQUEST:	To rezone a portion of property from R3/Multiple Family Residential to I1/Limited Industrial; and approve a primary development plan for expansion of the site to the east.	
LOCATION:	The site is located at the northeast corner of Fairfield Avenue and Bass Street (Section 11 of Wayne Township).	
LAND AREA:	Approximately .2 acres for rezoning and 1.1 acres total	
PRESENT ZONING:	I1/Limited Industrial and R3/Multiple Family Residential	
PROPOSED ZONING:	I1/Limited Industrial	
COUNCIL DISTRICT:	5-Geoff Paddock	
ASSOCIATED PROJECT:	Primary Development Plan, Bushey's	
SPONSOR:	City of Fort Wayne Plan Commission	

October 11, 2021 Public Hearing

- There were no speakers from the public.
- Justin Shurley and Rachel Tobin-Smith were absent.

October 11, 2021 Business Meeting

Plan Commission Recommendation: DO PASS

A motion was made by Paul Sauerteig and seconded by Tom Freistroffer to return the ordinance with a Do Pass recommendation to Common Council for their final decision.

7-0 MOTION PASSED

- Justin Shurley and Rachel Tobin-Smith were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
November 10, 2021

PROJECT SUMMARY

SITE HISTORY:

- In 1983 the current building was constructed.
- In 2008 a cell tower was approved through the Board of Zoning Appeals on the existing Bushey's parcel.

The applicant "Bushey's Inc" proposes expanding I1/Limited Industrial zoning 50 feet to the east of the existing office and warehouse. The property proposed to be rezoned is currently an unimproved grass lot. The adjacent parcel is a single-family structure that is zoned R3/Multiple Family Residential. Surrounding zoning is a mix of R3/Multiple Family Residential to the east and south, I1/Limited Industrial to the north, west, and south. The property is located in the Hoagland Masterson Neighborhood Association.

The primary development plan does not propose any new structures, only surface parking and associated infrastructure. No new entrance is planned along Bass Street. The applicant is proposing Code P2 landscaping to meet the intent of the Zoning Ordinance along the east side of the property. Code P1 landscaping would be required along Bass Street where the new parking is proposed, but is not shown on the submitted plan. The Fort Wayne Zoning Ordinance requires a 6-foot privacy fence to be at least 25 feet from the front property line. The submitted site plan is showing the fence at 5 feet.

The proposed rezone meets the following criteria from the Comprehensive Plan:

LU1. Encourage carefully planned growth by utilizing the conceptual development map as part of the community's land use decision-making process;

LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;

LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure currently exist.

PUBLIC HEARING SUMMARY:

Presenter: Jim Bushey presented the proposal as outlined above. Mr. Bushey stated that the business has been in this location for over 40 years. They are in need of additional parking for staff and work vehicles.

Public Comments:

- Letter of Support from Hoagland-Masterson neighborhood.
- Ronald Coakley, 428 Bass Street – Thought he owned the lot to the west that is proposed to be rezoned. Concerned about exhaust.

Rebuttal:

Mr. Bushey explained that he purchased said lot several years ago (staff confirmed, in 2008). The trucks will leave the site at 7 a.m. and return at 5 p.m. This is only time they will be in the lot and exhaust should be a minimum. Fencing and landscaping will be installed along the eastern property line.

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

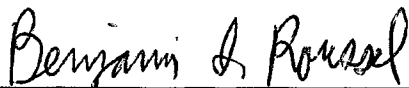
Rezoning Petition REZ-2021-0049

APPLICANT: Bushey's Inc.
REQUEST: To rezone a portion of property from R3/Multiple Family Residential to I1/Limited Industrial
LOCATION: The site is located at the northeast corner of Fairfield Avenue and Bass Street (Section 11 of Wayne Township).
LAND AREA: Approximately .2 acres for rezoning and 1.1 acres total
PRESENT ZONING: I1/Limited Industrial and R3/Multiple Family Residential
PROPOSED ZONING: I1/Limited Industrial

Staff recommends that Rezoning Petition REZ-2021-0049 be returned to Council with a "Do Pass" recommendation, after considering the following:

1. Approval of the rezoning request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. This proposal will provide infill development using existing infrastructure.
2. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.
3. Approval is consistent with the preservation of property values in the area. This proposal will replace unimproved lots with expanded parking, landscaping, and screening increasing the viability of investment into the area.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by City engineering departments indicates that the site can be developed for the proposed uses and adequate infrastructure is available to service the site.

These findings approved by the Fort Wayne Plan Commission on October 11, 2021.



Benjamin J. Roussel
Interim Zoning Administrator
Secretary to the Commission



REZ-2021-0049 and PDP-2021-0036 Bushey's

CSX Line Code 3102

NORFOLK SOUTHERN

FAIRFIELD AVE.

BASS ST.

MELITA ST.

HOAGLAND AVE.

WEBSTER ST.

BRANDRIFF ST.

PRINCE ST.

MASTERSON AVE.

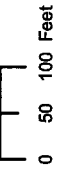
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PINE ST.

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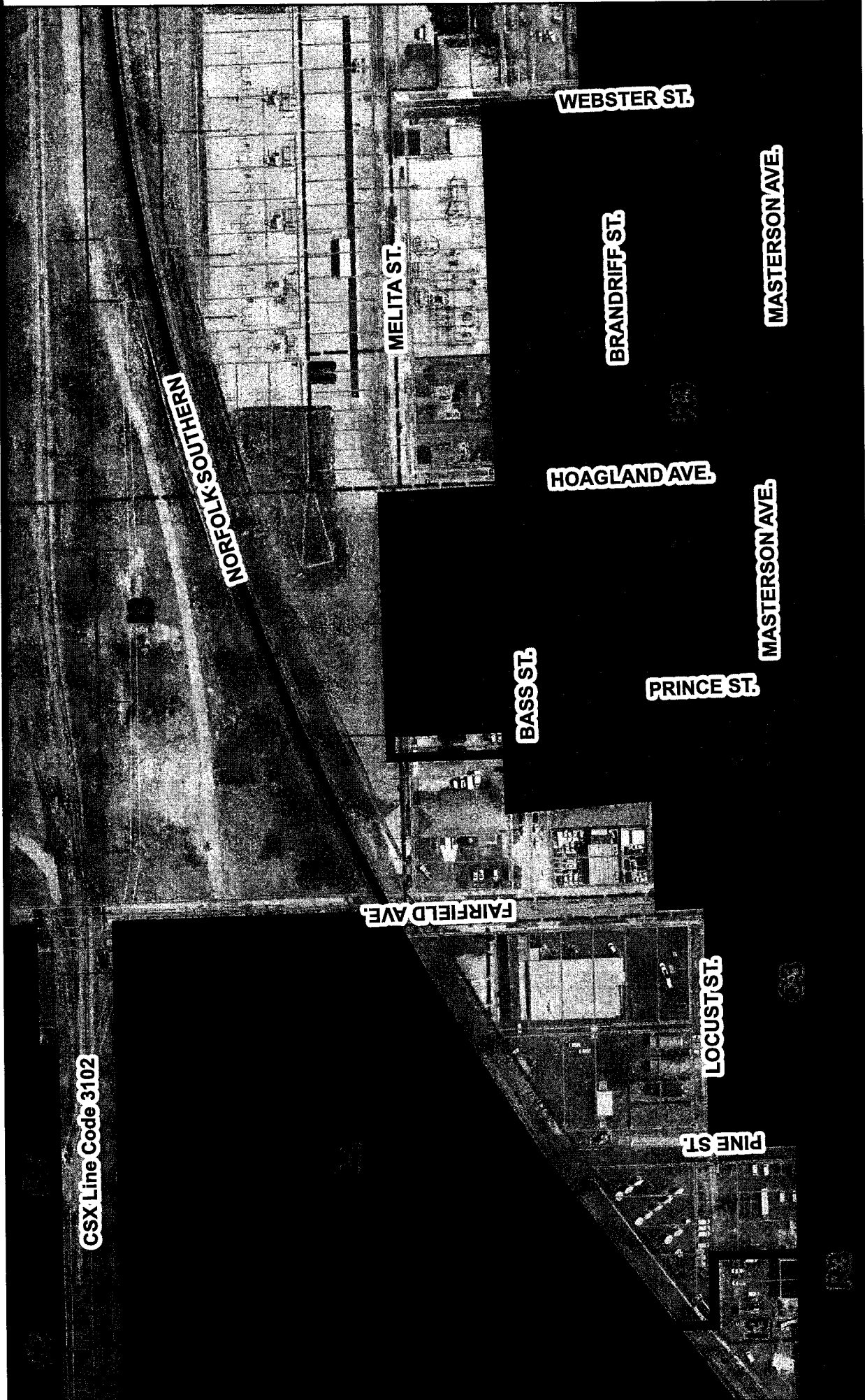
1 inch = 200 feet



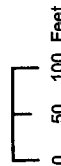
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Rezoning Petition Application**

Applicant
 Applicant Bushey's Inc
 Address 1701 Fairfield Avenue
 City Fort Wayne State Indiana Zip 46807
 Telephone 260-740-2745 E-mail jim.bushey@gmail.com

Contact Person
 Contact Person Jim Bushey
 Address 1701 Fairfield Avenue
 City Fort Wayne State Indiana Zip 46807
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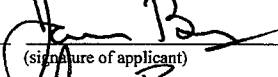
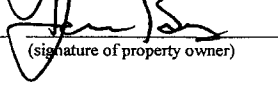
All staff correspondence will be sent only to the designated contact person.

Request
 Allen County Planning Jurisdiction City of Fort Wayne Planning Jurisdiction
 Address of the property 430 and 434 Bass Street, Fort Wayne, IN 46802
 Present Zoning R3 Proposed Zoning I1 Acreage to be rezoned 0.18
 Proposed density _____ units per acre
 Township name Wayne Township Township section # 0113012
 Purpose of rezoning (attach additional page if necessary) Currently two vacant lots that we would like to rezone and add to our existing business property.
 Sewer provider Yes Water provider Yes

Filing Requirements
Applications will not be accepted unless the following filing requirements are submitted with this application. Please refer to checklist for applicable filing fees and plan/survey submittal requirements.

- Applicable filing fee
- Applicable number of surveys showing area to be rezoned (plans must be folded)
- Legal Description of parcel to be rezoned
- Rezoning Questionnaire (original and 10 copies) County Rezonings Only

I/We understand and agree, upon execution and submission of this application, that I am/we are the owner(s) of more than 50 percent of the property described in this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County Plan Commission as those provisions, procedures and policies related to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and that I/we agree to pay Allen County the cost of notifying the required interested persons at the rate of \$0.85 per notice and a public notice fee of \$50.00 per Indiana code.

<u>James Bushey</u> (printed name of applicant)	 (signature of applicant)	<u>8/24/21</u> (date)
<u>James Bushey</u> (printed name of property owner)	 (signature of property owner)	<u>8/24/21</u> (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)
_____ (printed name of property owner)	_____ (signature of property owner)	_____ (date)

Received <u>8-24-2021</u>	Receipt No. <u>138175</u>	Hearing Date <u>10-11-2021</u>	Petition No. <u>REZ-2021-0049</u>
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PH (260) 424-5362 FAX (260) 424-4916

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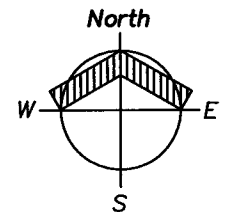
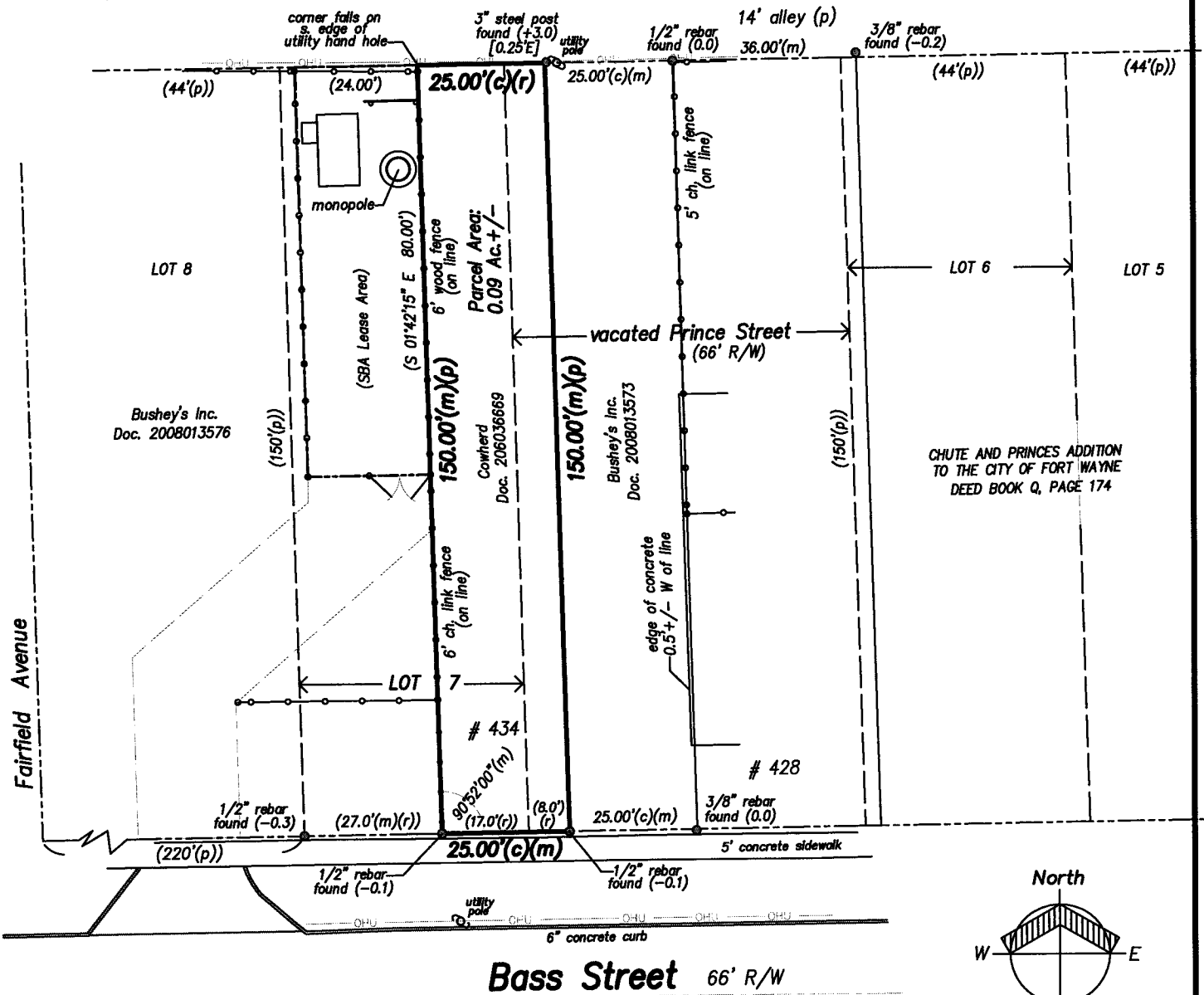
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LEGEND

- (m) MEASURED
- (r) RECORDED
- (c) CALCULATED
- (p) PLATTED INFORMATION

Flood Note:

By graphic plotting only and subject to map scale uncertainties, the real estate described and depicted hereon appears to lie in Zone "X" (NOT considered a special flood hazard area) on FIRM Map Number 18003C0284G, effective 8/3/2009 for the City of Fort Wayne, Indiana.



Date: October 12, 2020
Job No.: 20200391
Sheet: 1 of 2



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PURPOSE:

The purpose of this survey is to "retrace" the boundary of the real estate described hereon.

THEORY OF LOCATION:

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The uncertainty in the lines and corners found or established by this survey are as follows:

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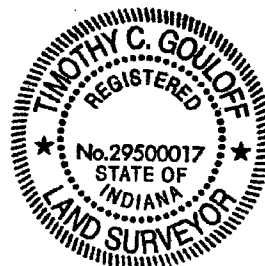
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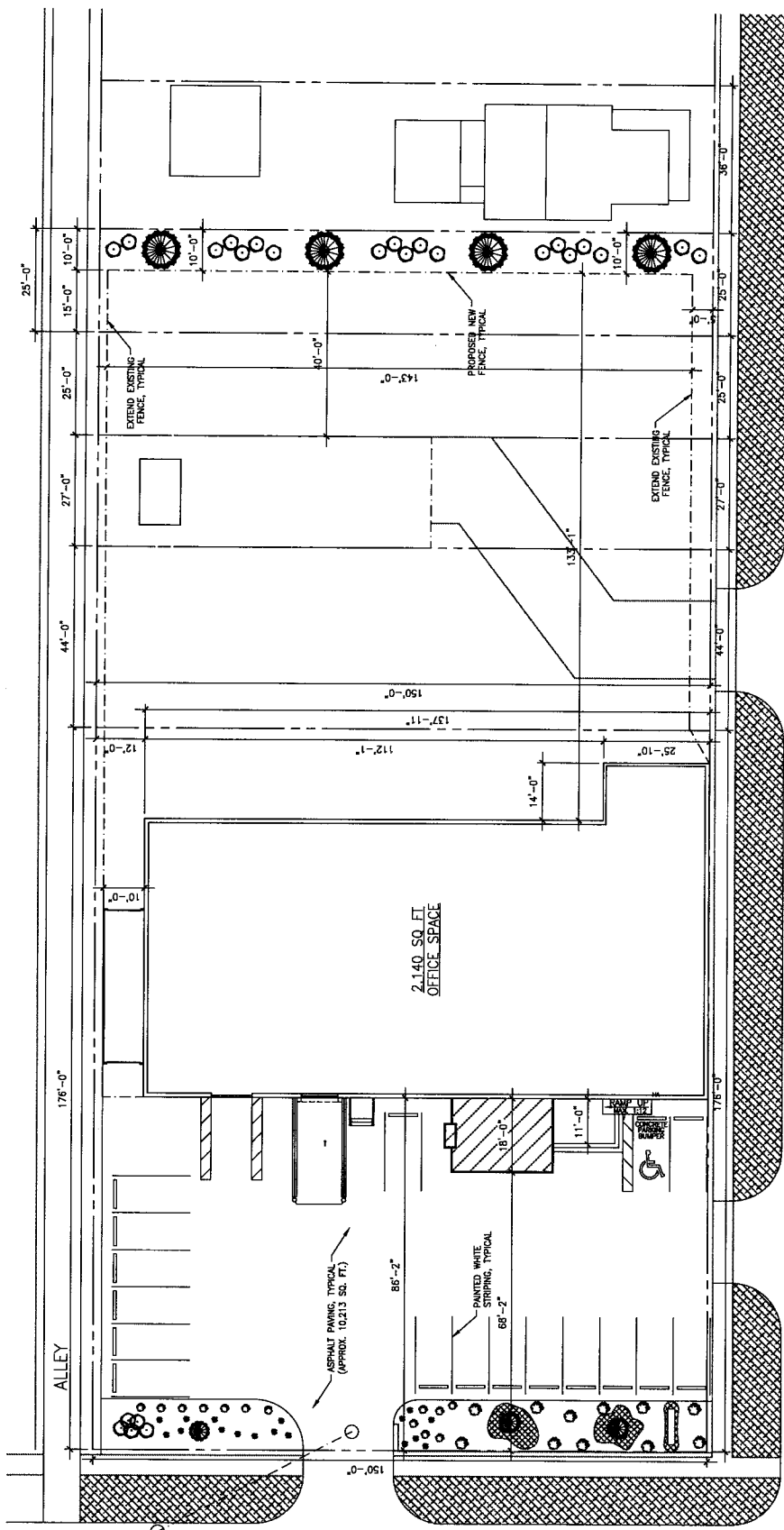
DATED THIS 12th DAY OF OCTOBER, 2020.

Timothy C. Gouloff, R.L.S. 29500017

Job No.: 20200391

Sheet: 2 of 2





- NOTES:
1. HANDICAP ACCESSIBLE PARKING SIGN - VA-VAN ACCESSIBLE PARKING SIGN.
 2. PROVIDE CONTROL AND EXPANSION SIGNS PER INDUSTRY STANDARDS IN CONFORMANCE WITH THE VEHICLE CODE.
 3. SLOPE ALL CONCRETE AT MINIMUM 1:50 AWAY FROM BUILDING AND TOWARDS PARKING.

BASS STREET

PRINCE ST

FAIRFIELD AVENUE

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0049
Bill Number: Z-21-09-15
Council District: 5-Geoff Paddock

Introduction Date: September 28, 2021
Plan Commission
Public Hearing Date: October 11, 2021 (not heard by Council)
Next Council Action: Ordinance will return to Council after recommendation by the Plan Commission

Synopsis of Ordinance: To rezone approximately 0.18 acres from R3/Multiple Family Residential to I1/Limited Industrial.
Location: 1701 Fairfield Avenue
Reason for Request: To add two vacant lots to the Bushey's business property.
Applicant: Bushey's, Inc.
Property Owner: James Bushey

Related Petitions: Primary Development Plan, Bushey's, Inc.

Effect of Passage: Property will be rezoned to the I1/Limited Industrial zoning district, which will allow the currently vacant parcels to be combined with the existing Bushey's property and used for expansion of the business.

Effect of Non-Passage: The property will remain zoned residential and may be developed for single, two-family or multiple family residential purposes.

BILL NO. Z-21-09-15

REPORT OF COMMITTEE ON REGULATIONS

November 23, 2021





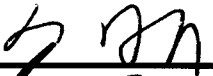

Geoff Paddock Chair

Tom Freistroffer Co-Chair

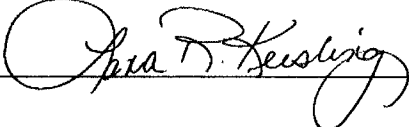
All Council Members

An Ordinance amending the City of Fort Wayne Zoning Map No. L-02 (Sec. 11 of Wayne Township) To rezone approximately 0.18 acres from R3/Multiple Family Residential to I1/Limited Industrial at 1701 Fairfield Avenue

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:

Read the first time in full and on motion by Councilperson Paddock.

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

Read the third time in full and on motion by Councilperson Paddock, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CHAMBERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DATED: November 23, 2021


LANA R. KEESLING, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
Zoning Ordinance No. Z-21-09-15 on the 23rd day of November, 2021

ATTEST:

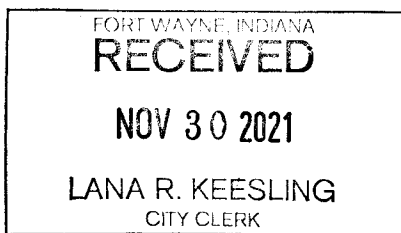

LANA R. KEESLING
CITY CLERK


PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th
of November 2021, at the hour of 11:20 o'clock A.M. E.S.T.


LANA R. KEESLING, CITY CLERK

Approved and signed by me this 30TH day of November 2021, at the
hour of 12:00 o'clock PM E.S.T.




THOMAS C. HENRY, MAYOR