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#REZ-2021-0053

BILL NO. Z-21-10-08

ZONING MAP ORDINANCE NO. Z-24-21

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-02 (Sec. 10 of Wayne Township)**

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

SECTION 1. That the area described as follows is hereby designated a C2 (Limited
Commercial) District under the terms of Chapter 157 Title XV of the Code of the City of Fort
Wayne, Indiana:

Lot 25 in Swinney's Addition to Fort Wayne, Ind., according to the plat thereof, recorded in
Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. K-02 (Sec. 10 of Wayne
Township), as established by Section 157.082 of Title XV of the Code of the City of Fort
Wayne, Indiana is hereby changed accordingly.

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


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



Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Helton, City Attorney

City of Fort Wayne Common Council
DIGEST SHEET

Department of Planning Services

Title of Ordinance: Zoning Map Amendment
Case Number: REZ-2021-0053
Bill Number: Z-21-10-08
Council District: 5-Geoff Paddock

Introduction Date: October 26, 2021

Plan Commission
Public Hearing Date: November 8, 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 0.19 acres from R3/Multiple Family Residential
to C2/Limited Commercial.

Location: 1120 Swinney Avenue

Reason for Request: To match the zoning classification of the surrounding properties of
Electric Works West Campus.

Applicant: EW West Campus Landlord, LLC

Property Owner: EW West Campus Landlord, LLC

Related Petitions: none

Effect of Passage: Property will be rezoned to the C2/Limited Commercial zoning district,
which is the chosen district to allow the redevelopment of the General
Electric property, known as Electric Works.

Effect of Non-Passage: The property will remain zoned R3/Multiple Family Residential. This
property was not owned by Electric Works when the surrounding
property was rezoned. Failure to rezone this property now will create an
area that cannot develop with the same uses as the overall project and
may inhibit the planned development as approved.

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#REZ-2021-0053

BILL NO. Z-21-10-08

ZONING MAP ORDINANCE NO. Z-_____

**AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. K-02 (Sec. 10 of Wayne Township)**

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APPROVED AS TO FORM AND LEGALITY:

Carol T. Helton, City Attorney

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**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant EW WEST CAMPUS LANDLORD, LLC
 Address 701 WEST MAIN STREET, SUITE 200
 City DURHAM State NORTH CAROLINA Zip 27701
 Telephone 919-201-2360 E-mail jparker@ancora.re

Contact Person
 Contact Person MICHAEL J. HOFFMAN, ESQ. (#33860-02) OF BEERS MALLERS, LLP
 Address 110 WEST BERRY STREET, SUITE 1100
 City FORT WAYNE State INDIANA Zip 46802
 Telephone 260-426-9706 E-mail mjhoffman@beersmallers.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 1120 SWINNEY AVENUE
 Present Zoning R3 Proposed Zoning C2 Acreage to be rezoned 0.19
 Proposed density N/A units per acre
 Township name WAYNE Township section # 10
 Purpose of rezoning (attach additional page if necessary) THE PARCEL IS SURROUNDED BY C2-ZONED PARCELS ON ITS WEST, NORTH AND EAST SIDES. FURTHER THIS PARCEL IS INCLUDED WITHIN THE ELECTRIC WORKS WEST CAMPUS DEVELOPMENT BOUNDARY, WHICH DEVELOPMENT, ASIDE FROM THIS PARCEL, IS WHOLLY ZONED C2.
 Sewer provider CITY OF FORT WAYNE Water provider CITY OF FORT WAYNE

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 Rezoning 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.

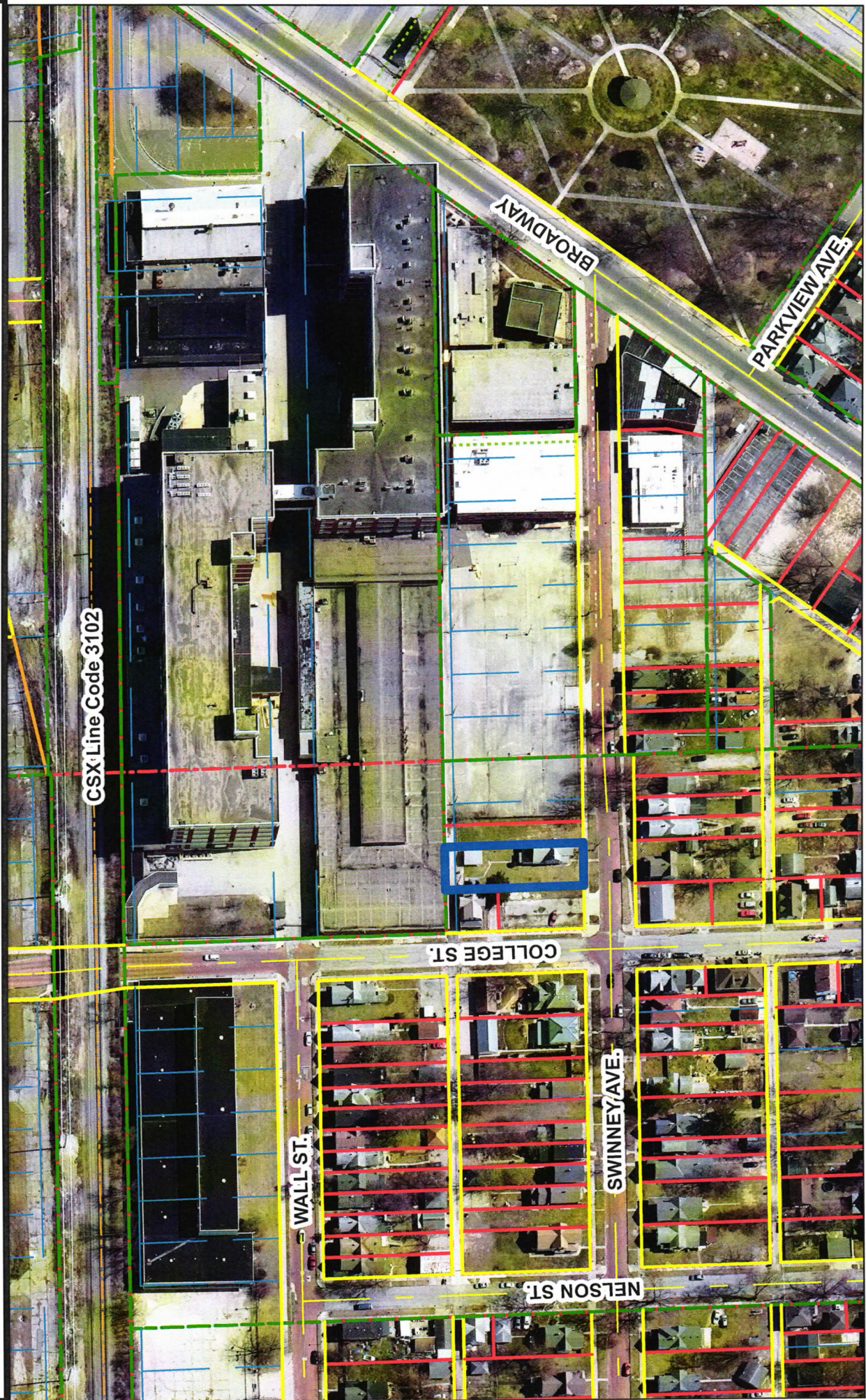
| | | |
|---|--|------------------|
| <small>EW WEST CAMPUS LANDLORD, LLC by: Joshua M. Parker, Authorized Representative</small> | <u>Joshua M. Parker</u> <small>Digitally signed by Joshua M. Parker Date: 2021.09.28 10:10:35 -04'00'</small> | <u>9/28/2021</u> |
| (printed name of applicant) and property owner | (signature of applicant) and property owner | (date) |
| _____ | _____ | _____ |
| (printed name of property owner) | (signature of property owner) | (date) |
| _____ | _____ | _____ |
| (printed name of property owner) | (signature of property owner) | (date) |
| _____ | _____ | _____ |
| (printed name of property owner) | (signature of property owner) | (date) |

| Received | Receipt No. | Hearing Date | Petition No. |
|----------|-------------|--------------|---------------|
| 9/29/21 | 138500 | 11/8/21 | Rez-2021-0053 |

29 21



REZ-2021-0053 1120 Swinney Avenue



CSX Line Code 3102

WALL ST.

COLLEGE ST.

SWINNEY AVE.

NELSON ST.

BROADWAY

PARKVIEW AVE.

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North American Datum 1983
State Plane Coordinate System, Indiana East
Photos and Contours: Spring 2009
Date: 10/11/2021



1 inch = 150 feet



REZ-2021-0053 1120 Swinney Avenue



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

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

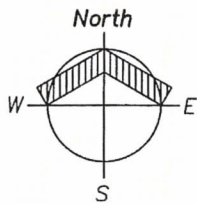
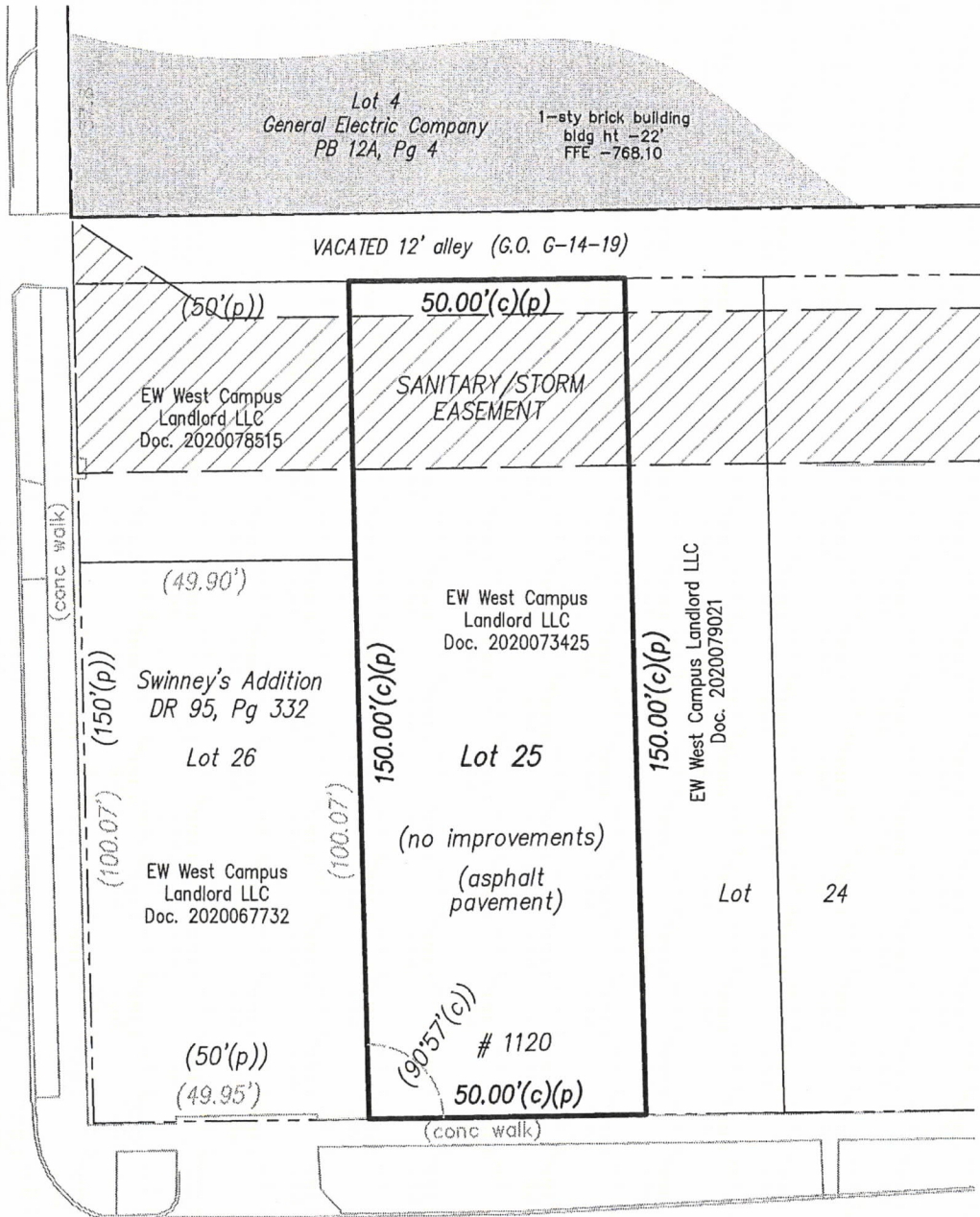
Boundary Retracement Survey

Property Address:

1120 Swinney Avenue, Fort Wayne, IN 46802

LEGEND

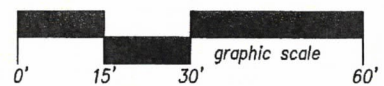
- (m) MEASURED
- (r) RECORDED
- (c) CALCULATED
- (p) PLATTED INFORMATION



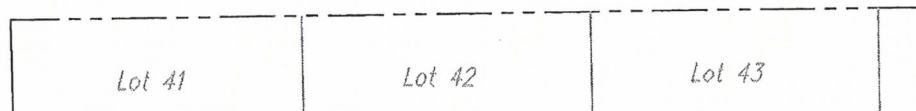
SWINNEY AVENUE

(60' right-of-way)

SCALE: 1" = 30'



Date: 09/22/2021
Job No.: 20170123 (Lot25)
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:

1120 Swinney Avenue, Fort Wayne, IN 46802

DESCRIPTION

Lot 25 in Swinney's Addition to Fort Wayne Ind., according to the plat thereof, recorded in Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana.

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 satisfy DPS requirements for a re-zoning application.

THEORY OF LOCATION:

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

No monuments were found or set. Parcel is currently paved with asphalt and utilized for construction staging.

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.

(B) Occupation or possession lines:

No uncertainty was created by visible occupation or possession lines.

(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.

Field work performed on 9/22/2021.

DATED THIS 22nd DAY OF SEPTEMBER, 2021.

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

Job No.: 20170123 (Lot25)

Sheet: 2 of 2



LEGAL DESCRIPTION

Lot 25 in Swinney's Addition to Fort Wayne, Ind., according to the plat thereof, recorded in Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana.

FACT SHEET

| Case #REZ-2021-0053 Bill # Z-21-10-08 Project Start: October 2021 | |
|---|--|
| APPLICANT: | EW West Campus Landlord, LLC |
| REQUEST: | To rezone the property from R3/Multiple Family Residential to C2/Limited Commercial. |
| LOCATION: | The site is located on the north side of Swinney Avenue, within the Electric Works West campus. The addresses of the subject property is 1120 Swinney Avenue (Section 10 of Wayne Township). |
| LAND AREA: | 0.19 acre |
| PRESENT ZONING: | R3/Multiple Family Residential |
| PROPOSED ZONING: | C2/Limited Commercial |
| COUNCIL DISTRICT: | 5-Geoff Paddock |
| ASSOCIATED PROJECT: | Electric Works West Campus |
| SPONSOR: | City of Fort Wayne Plan Commission |

November 8, 2021 Public Hearing

- There were no speakers from the public.
- Tom Freistroffer, Ryan Neumeister and Justin Shurley were absent.

November 15, 2021 Business Meeting

Plan Commission Recommendation: DO PASS

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

7-0 MOTION PASSED

- Tom Freistroffer and Justin Shurley were absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
November 23, 2021

PROJECT SUMMARY

SITE HISTORY:

- The site has historically been used as a residence.
- The surrounding properties are zoned C2 and part of the Electric Works West campus.

The petitioner is requesting to rezone the property zoned R3/Multiple Family Residential to C2/Limited Commercial. The property at 1120 Swinney Avenue was recently acquired by the applicant and developer of Electric Works. The proposal is to match the surrounding zoning of the Electric Works West campus, which is zoned C2/Limited Commercial.

There is no associated primary development plan due to no additional buildings on the site. The Electric Works West campus has a written commitment associated with the 2018 Primary Development Plan that discusses parking for the overall development.

PUBLIC HEARING SUMMARY:

Presenter: Michael Hoffman presented the proposal as outlined above. This property will be added to the land that will become surface parking for the Fort Wayne STEAM School in Building 31, located to the east.

Public Comments:

none

FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

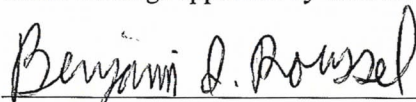
Rezoning Petition REZ-2021-0053

APPLICANT: EW West Campus Landlord, LLC
REQUEST: To rezone the property from R3/Multiple Family Residential to C2/Limited Commercial.
LOCATION: The site is located on the north side of Swinney Avenue, within the Electric Works West campus. The addresses of the subject property is 1120 Swinney Avenue (Section 10 of Wayne Township).
LAND AREA: 0.19 acre
PRESENT ZONING: R3/Multiple Family Residential
PROPOSED ZONING: C2/Limited Commercial

The Plan Commission recommends that Rezoning Petition REZ-2021-0053 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 City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area. The site is surrounded by C2/Limited Commercial zoning and will be incorporated into the Electric Works development. The Comprehensive Plan supports this rezoning through the following objectives:
LU3. Use land resources efficiently by encouraging new development, revitalization and redevelopment in areas already served by infrastructure;
LU5. Encourage sustainable growth and quality development, revitalization and redevelopment by increasing and enhancing connectivity;
LU5.C Encourage development proposals that provide neighborhood commercial, civic, institutional and other similar uses, designed to allow adequate access for pedestrians and bicycles, in close proximity to housing.
LU6. Encourage carefully planned sustainable growth and coordinated development by encouraging mixed land uses.
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. The north side of Swinney Avenue is currently being redeveloped and the subject property may be included within the redevelopment with C2 zoning.
3. Approval is consistent with the preservation of property values in the area. Massive investment is occurring with the Electric Works development and this property may be included with a rezoning to C2/Limited Commercial.
4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. This proposal is not proposing extension of infrastructure. Public right-of-way with an improved street is adjacent to the site.

These findings approved by the Fort Wayne Plan Commission on November 15, 2021.



Benjamin J. Roussel
Interim Zoning Administrator
Secretary to the Commission

**Department of Planning Services
Rezoning Petition Application**

Applicant
 Applicant EW WEST CAMPUS LANDLORD, LLC
 Address 701 WEST MAIN STREET, SUITE 200
 City DURHAM State NORTH CAROLINA Zip 27701
 Telephone 919-201-2360 E-mail jparker@ancora.re

Contact Person
 Contact Person MICHAEL J. HOFFMAN, ESQ. (#33860-02) OF BEERS MALLERS, LLP
 Address 110 WEST BERRY STREET, SUITE 1100
 City FORT WAYNE State INDIANA Zip 46802
 Telephone 260-426-9706 E-mail mjhoffman@beersmallers.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 1120 SWINNEY AVENUE
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 Proposed density N/A units per acre
 Township name WAYNE Township section # 10
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 Sewer provider CITY OF FORT WAYNE Water provider CITY OF FORT WAYNE

Filing Requirements
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- 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.

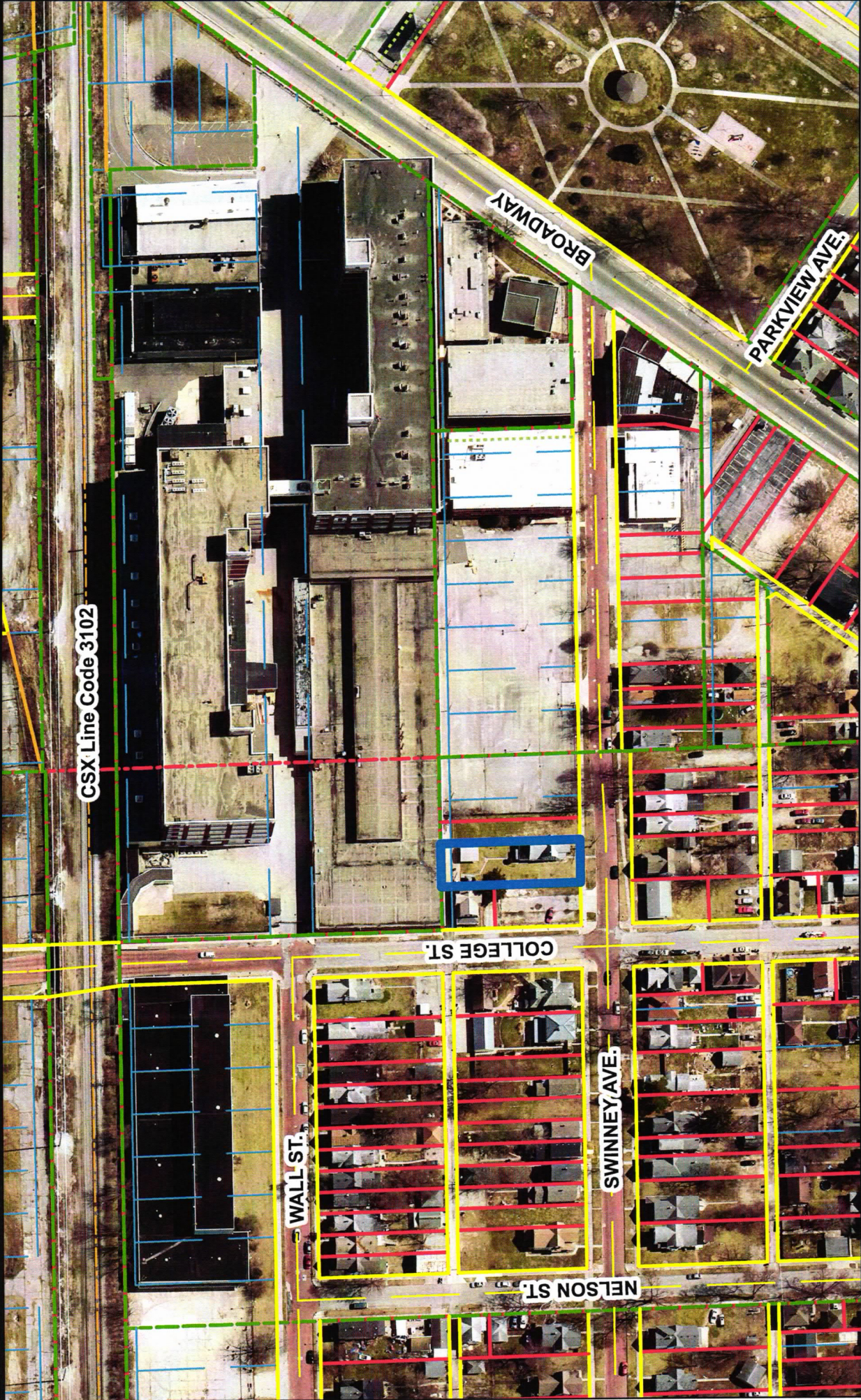
| | | |
|---|---|------------------|
| <u>EW WEST CAMPUS LANDLORD, LLC by: Joshua M. Parker, Authorized Representative</u> | <u>Joshua M. Parker</u> <small>Digitally signed by Joshua M. Parker Date: 2021.09.28 10:10:35 -04'00'</small> | <u>9/28/2021</u> |
| (printed name of applicant) and property owner | (signature of applicant) and property owner | (date) |
| _____ | _____ | _____ |
| (printed name of property owner) | (signature of property owner) | (date) |
| _____ | _____ | _____ |
| (printed name of property owner) | (signature of property owner) | (date) |
| _____ | _____ | _____ |
| (printed name of property owner) | (signature of property owner) | (date) |

| | | | |
|----------------------------|------------------------------|--------------------------------|--------------------------------------|
| Received <u>9/29/21</u> | Receipt No. <u>137500</u> | Hearing Date <u>11/8/21</u> | Petition No. <u>Rez-2021-0053</u> |
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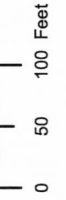


REZ-2021-0053 1120 Swinney Avenue



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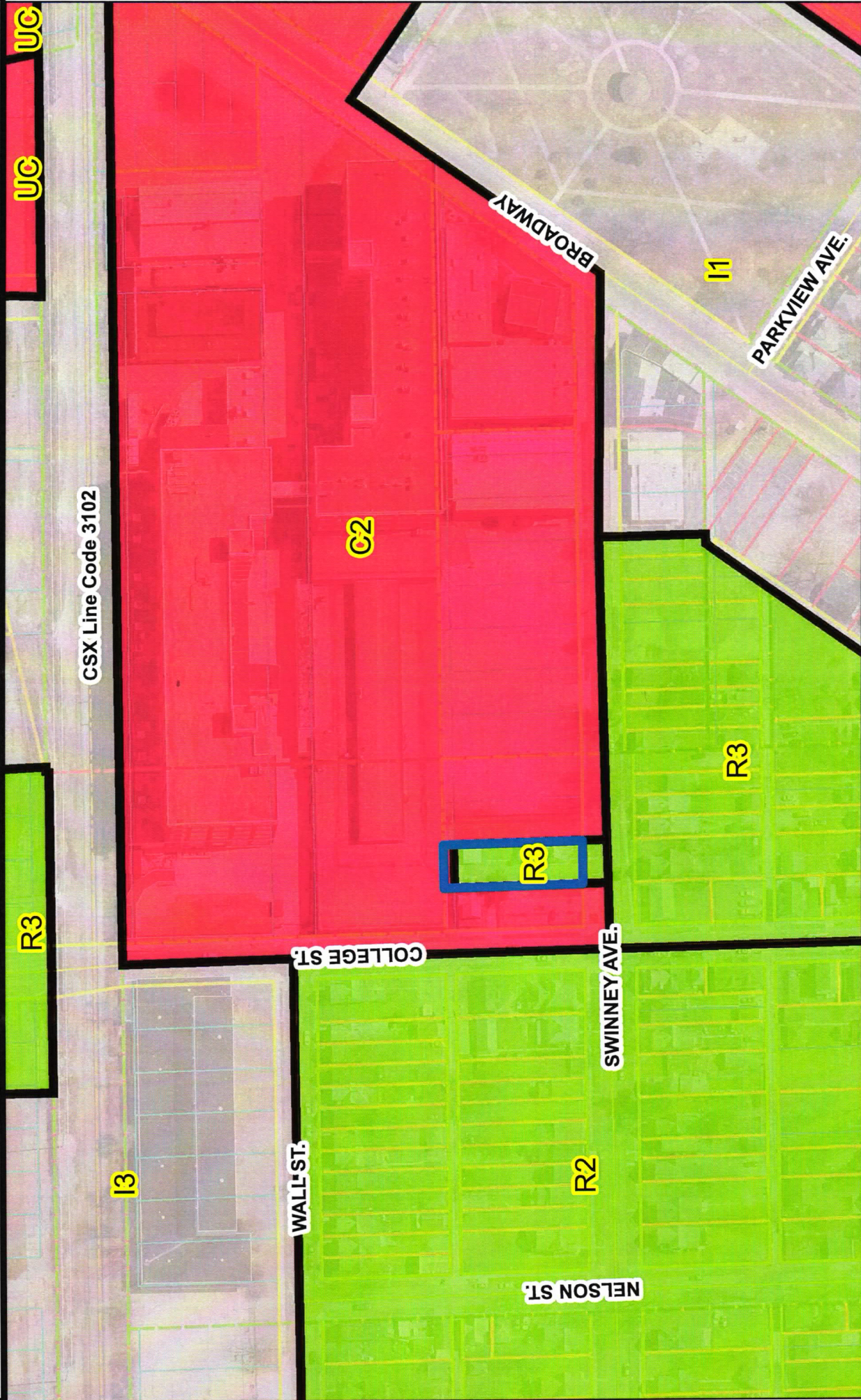
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 Photos and Contours: Spring 2009
 Date: 10/11/2021



1 inch = 150 feet

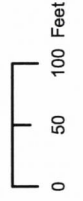


REZ-2021-0053 1120 Swinney Avenue



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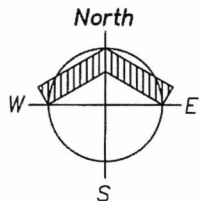
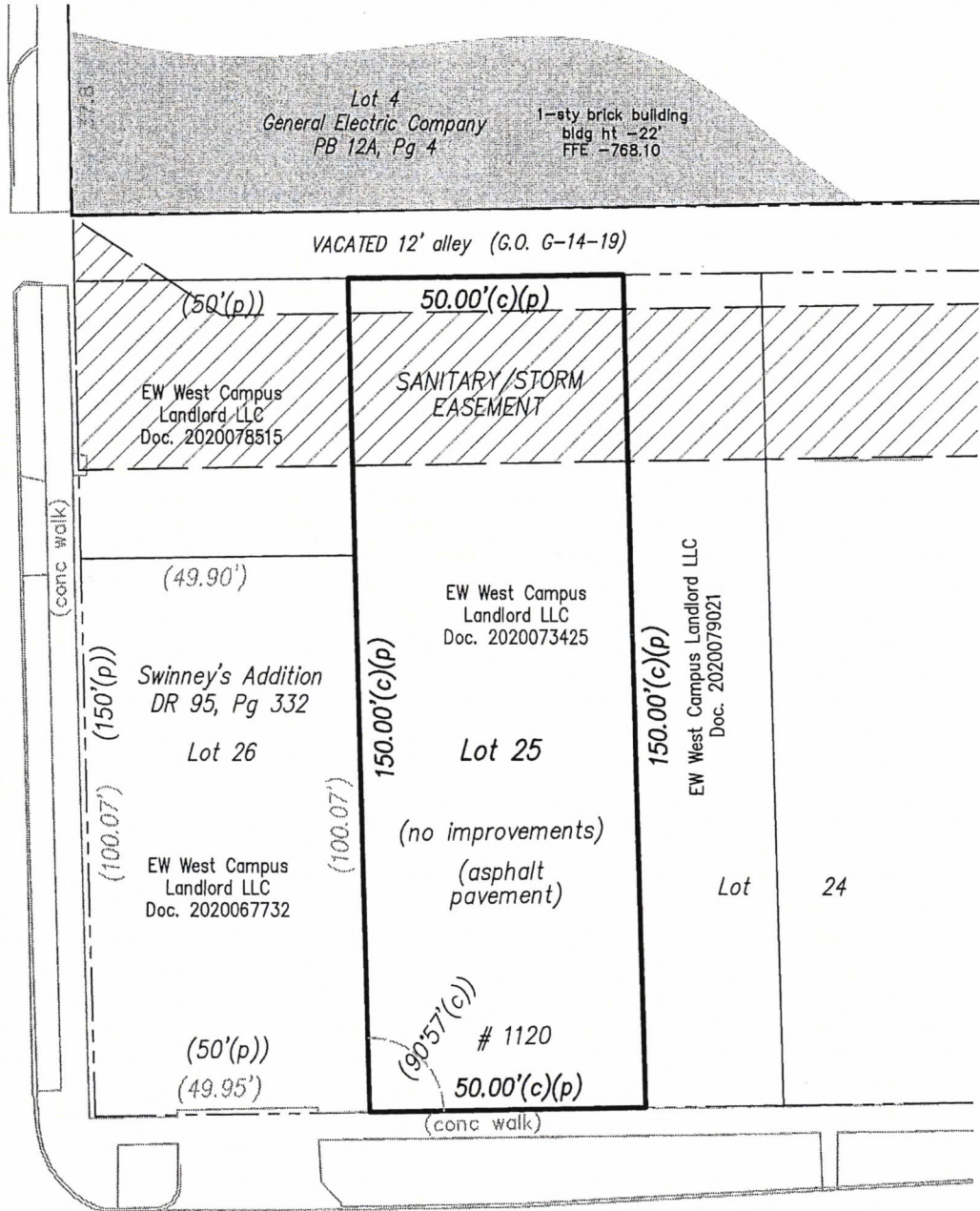
Boundary Retracement Survey

Property Address:

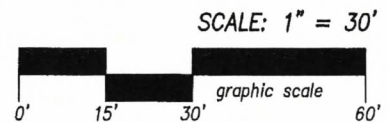
1120 Swinney Avenue, Fort Wayne, IN 46802

LEGEND

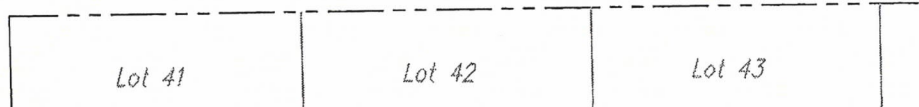
- (m) MEASURED
- (r) RECORDED
- (c) CALCULATED
- (p) PLATTED INFORMATION



SWINNEY AVENUE
(60' right-of-way)



Date: 09/22/2021
Job No.: 20170123 (Lot25)
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:

1120 Swinney Avenue, Fort Wayne, IN 46802

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PURPOSE:

The purpose of this survey is to satisfy DPS requirements for a re-zoning application.

THEORY OF LOCATION:

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

No monuments were found or set. Parcel is currently paved with asphalt and utilized for construction staging.

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(B) Occupation or possession lines:

No uncertainty was created by visible occupation or possession lines.

(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.

Field work performed on 9/22/2021.

DATED THIS 22nd DAY OF SEPTEMBER, 2021.

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

Job No.: 20170123 (Lot25)

Sheet: 2 of 2



LEGAL DESCRIPTION

Lot 25 in Swinney's Addition to Fort Wayne, Ind., according to the plat thereof, recorded in Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana.

BILL NO. Z-21-10-08

**REPORT OF COMMITTEE ON REGULATIONS
December 14, 2021**

Geoff Paddock Chair

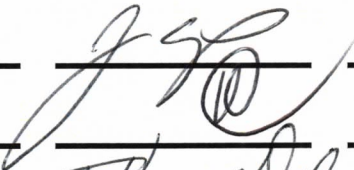
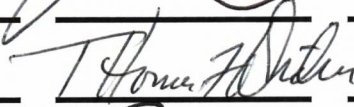

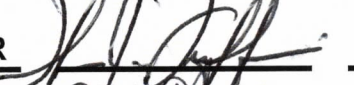
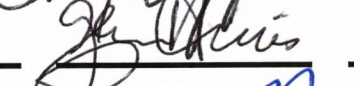
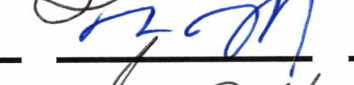


Tom Freistroffer Co-Chair

All Council Members

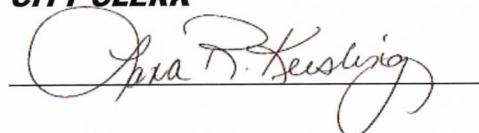
An Ordinance amending the City of Fort Wayne Zoning Map No. K-02 (Sec. 10 of Wayne Township)

To rezone approximately 0.19 acres from R3/Multiple Family Residential to C2/Limited Commercial at 1120 Swinney 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: November 8, 2021

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 checked="" type="checkbox"/> | <input 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 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"/> |
| TUCKER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

DATED: December 14, 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-21-10-08 on the 14th day of December, 2021

ATTEST:



 LANA R. KEESLING
 CITY CLERK



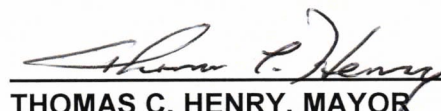
 PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th of December 2021, at the hour of 11:35 o'clock A.M. E.S.T.



 LANA R. KEESLING, CITY CLERK

Approved and signed by me this 15TH day of December 2021, at the hour of 2:00 o'clock PM E.S.T.



 THOMAS C. HENRY, MAYOR

