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BILL NO. R-08-02-02

RESOLUTION NO R- _____

A Resolution approving Resolution 2008-05 by the Fort Wayne Redevelopment Commission, adopted January 31, 2008, for the Lease of 2.65 acres of land owned by the Norfolk Southern Railway;

WHEREAS, on January 31, 2008 the Fort Wayne Redevelopment Commission adopted Resolution 2008-05, approving a lease agreement with the Norfolk Southern Corporation; and

WHEREAS, said Lease Agreement requires Common Council Approval; and

WHEREAS, said lease agreement is attached as Exhibit "A" and proposes the lease of the property (2.65 acres) for equipment staging, materials storage and equipment and vehicle parking, along with related temporary uses, for the Harrison Square Project;

WHEREAS, the duration of said lease agreement is one (1) year with an annual rental payment of \$13,250 commencing from the day of the execution of the lease by the Commission;

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

SECTION 1. That Resolution 2008-05, adopted January 31, 2008 by the Fort Wayne Redevelopment Commission and a proposed lease between the Fort Wayne Redevelopment Commission and the Norfolk Southern Corporation are approved.

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SECTION 2. That this resolution shall be in full force and affect from and after its passage and all necessary approval by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol T. Taylor, City Attorney

RESOLUTION 2008-05

RESOLUTION OF THE FORT WAYNE REDEVELOPMENT COMMISSION APPROVING A PROPOSED LEASE BETWEEN NORFOLK SOUTHERN CORPORATION, AS LESSOR, AND THE REDEVELOPMENT COMMISSION, AS LESSEE, FOR LAND ADJACENT TO THE JEFFERSON ILLINOIS ECONOMIC DEVELOPMENT AREA, AS AMENDED, AND RATIFYING THE PUBLIC HEARING ON THE PROPOSED LEASE PURSUANT TO IC 36-7-14-25.2, AND RATIFYING THE PUBLICATION OF NOTICE OF THE PUBLIC HEARING

WHEREAS, the Fort Wayne Redevelopment Commission (the "Commission"), governing body of the Fort Wayne Department of Redevelopment and the Fort Wayne Redevelopment District (the "Redevelopment District"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission has adopted various resolutions (i) declaring certain real estate in the District, known as the Jefferson Illinois Road Economic Development Area (the "Area"), to be an economic development area within the meaning of the Act and determining that it would be of public utility and benefit to redevelop the Area pursuant to an economic development plan and (ii) designating certain portions of the Area as an allocation area having boundaries as described in the declaratory resolution designating the Area, as the same has been amended from time to time, including most recently with the adoption of Resolution 2007-24 by the Commission on May 21, 2007, all in accordance with the Act; and

WHEREAS, the Commission desires to undertake the construction of certain local public improvements, including without limitation, a new parking garage, a new multi-use stadium, improvements related to a new hotel and related public improvements (collectively, the "The Harrison Square Mixed Use Development Project"); and

WHEREAS, the Norfolk Southern Corporation owns approximately 2.65 acres of unimproved, vacant land east of Fairfield Ave. and south of Baker Street that is adjacent to the project site and is available for use as a staging area, equipment and material storage, vehicle parking and related temporary uses all to facilitate a smooth sequencing of construction activities on the project site; and

WHEREAS, there has been presented to the Commission at this meeting a form of proposed lease with the Norfolk Southern Corporation for lease of the aforesaid 2.65 acres of land adjacent to the project area that has been negotiated by staff, per Exhibit "A", for an annual rental of \$13,265.00; and

WHEREAS, the Commission desires to approve the proposed lease, as modified, and publish notice of public hearing and conduct a public hearing on the proposed lease pursuant to Section 25.2 of the Act; and

WHEREAS, after the public hearing, the Commission may adopt a resolution pursuant to Section 25.2 of the Act authorizing the execution of the proposed lease on behalf of the City of Fort Wayne, Department of Redevelopment, if it finds that the service to be provided throughout the term of the proposed lease will serve the public purpose of the City and is in the best interests of its residents and the lease rental provided for is fair and reasonable. Said approval by the Commission shall be subject to the approval of the lease by the Common Council of the City of Fort Wayne pursuant to Indiana Code 36-7-14-25.2.

NOW, THEREFORE, BE IT RESOLVED BY THE FORT WAYNE REDEVELOPMENT COMMISSION AS FOLLOWS:

1. The Commission hereby approves the proposed lease, as modified, between the City of Fort Wayne, Department of Redevelopment and Norfolk Southern Corporation for the lease of approximately 2.65 acres of land heretofore described, subject to the subsequent approval by the Common Council of the City of Fort Wayne.
2. The Commission hereby ratifies and approves the scheduling of the public hearing on the lease held at a special meeting of the Commission on January 31, 2008, at 4:00 p.m. (local time).
3. The Commission hereby ratifies and approves the publication of a notice of public hearing on the lease pursuant to IC 5-3-1, per Exhibit B.
4. This resolution shall be in full force and effect after its adoption by the Commission.

FORT WAYNE REDEVELOPMENT COMMISSION

, President

, Secretary

ADOPTED: 31 January 2008