

**AN ORDINANCE GRANTING/DENYING A PETITION FOR
REMOVAL OF A HISTORIC DISTRICT DESIGNATION
PURSUANT TO I.C. § 36-7-11-23**

WHEREAS, in 2013, the Indiana state legislature adopted a bill, now codified at I.C. 36-7-11-23, that establishes a procedure for an individual to request removal of a local historic district designation as it pertains to the individual's property; and

WHEREAS, pursuant to I.C. 36-7-11-23, Common Council received a petition filed by Richard Herber requesting removal of the single-site historic district designation for the property located at 3901 North Washington Road, Fort Wayne, IN 46804, a copy of which is attached hereto as Exhibit "A" (the "Petition"); and

WHEREAS, Common Council forwarded the Petition to the local Historic Preservation Commission which, after providing notice in accordance with I.C. 36-7-11-23(b), conducted a public hearing on the Petition on February 22, 2016; and

WHEREAS, the Historic Preservation Commission submitted its findings and issued its recommendations to Common Council regarding the Petition on March 3, 2016, which is within ten (10) days after the date of the public hearing as required by statute; and

WHEREAS, the Historic Preservation Commission recommended that the Petition be denied; and

WHEREAS, within forty-five (45) days after receipt of the Historic Preservation Commission's recommendation, Common Council is required to accept public comment on the matter and adopt an ordinance granting or denying the petition for removal of the historic district designation; and

WHEREAS, Common Council set aside time for public comment on the Petition at the April 5, 2016 meeting of Council, as prescribed by Ind. Code § 36-7-11-23(e); and

WHEREAS, Common Council has complied with all of the requirements in Ind. Code § 36-7-11-23 and must decide whether to approve or deny the Petition.

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

SECTION 1 (Option A). That the petition is granted and the historic district designation is hereby terminated. Within ten (10) days, the City Clerk is directed to record this Ordinance with the County Recorder as prescribed by I.C. 36-7-11-23(e).

OR

SECTION 1 (Option B). That the petition is denied and the historic district designation shall remain in place.

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

Russell Jehl, Member of Council

APPROVED AS TO FORM A LEGALITY

Joseph G. Bonahoom, Attorney for Members of City Council