

BILL NO. S-17-01-11

SPECIAL ORDINANCE NO. S-_____

**AN ORDINANCE APPROVING THE CREATION OF A
DEBT SERVICE RESERVE ACCOUNT FROM THE CITY
OF FORT WAYNE COMMUNITY LEGACY FUND.**

WHEREAS, the City of Fort Wayne ("City") has created the City of Fort Wayne Community Legacy Fund ("Legacy Fund") to invest in projects that will have a collective impact that leads to transformational change within the community; and

WHEREAS, the City, through the Legacy process, has received unprecedented public input from across the community and has worked with citizens, business leaders and elected officials to develop implementation priorities; and

WHEREAS, the City seeks to advance transformational projects for our community with a focus on economic development, downtown and riverfront development, and youth development/prep sports; and

WHEREAS, each Legacy project provides our community with an opportunity to make our City stronger and better positioned for growth; and

WHEREAS, the Common Council of the City adopted Resolution No. R-16-10-11 on November 22, 2016 ("Ordinance") to approve the issuance of the City of Fort Wayne Park District Bonds of 2017 ("Bonds"), to be issued by the City, for and on behalf of the Fort Wayne Park & Recreation District ("District") to finance the cost of one or more of certain park improvements

1 set forth on Exhibit A attached hereto, including costs related to the
2 necessary appurtenances, improvements and equipment and incidental
3 expenses in connection therewith (collectively, "Projects"); and
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5 WHEREAS, the City has been advised that the Bonds will be issued
6 pursuant to an Amended and Restated Bond Resolution adopted by the
7 District on November 10, 2016 ("Resolution"), and that under the Resolution,
8 a Reserve Account ("Reserve Account") is created for the Bonds; and
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10 WHEREAS, the City has been advised that in order to successfully
11 market the Bonds, the Reserve Account must be funded for the Bonds to an
12 amount which equals but does not exceed the least of: (i) maximum annual
13 principal and interest payable on the Bonds; (ii) one hundred twenty five
14 percent (125%) of average annual principal and interest due on the Bonds; or
15 (iii) ten percent (10%) of the proceeds of the Bonds ("Reserve
16 Requirement"); and
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18 WHEREAS, the City has been advised that the Reserve Requirement
19 may be satisfied by using funds already on hand in the Legacy Fund which
20 will maximize the amount of Bond proceeds available to complete the
21 Projects; and
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23 WHEREAS, the City would like to utilize funds from the Legacy Fund
24 to fulfill the Reserve Requirement;
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26 **NOW THEREFORE, BE IT ORDAINED BY THE COMMON**
27 **COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**
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1 SECTION 1. The Common Council hereby authorizes the Board of
2 Trustees of the Legacy Fund to instruct the financial institution serving as the
3 trustee of the Legacy Fund to establish a subaccount within the Legacy Fund
4 as follows:
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6 **DEBT SERVICE RESERVE ACCOUNT FOR THE PARK DISTRICT**
7 **BONDS OF 2017**

8 Funds in an amount equal to the Reserve Requirement under the
9 Resolution shall be held in a subaccount of the Legacy Fund to serve as the
10 Reserve Account containing the Reserve Requirement for the Bonds. Such
11 funds held as the Reserve Account in the subaccount shall be used in
12 accordance with the Resolution and may not be used for any other purpose.
13 If any portion of the Reserve Account is used to pay the Bonds under the
14 Resolution, such Reserve Account will be replenished to a level equal to the
15 Reserve Requirement from available funds held under the Resolution. If the
16 Reserve Account is still in need of funds to attain a balance equal to the
17 Reserve Requirement, the Common Council shall consider an appropriation
18 of funds from one of the City's other funds to attain a balance in the Reserve
19 Account equal to the Reserve Requirement. Such deficiency and an
20 appropriation from one of the City's other funds shall be considered by the
21 Common Council within six months after the deficiency is created.
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23 If the Registrar and Paying Agent for the Bonds requires funds from
24 the Reserve Account for the payment of principal of or interest on the Bonds,
25 a request shall be filed by the Registrar and Paying Agent with the City's
26 Controller. The City agrees to make funds available to the Registrar and
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1 Paying Agent within one business day of the filing of such request. The
2 request filed with the City's Controller may be made in writing or via e-mail.
3 The request shall state the amount needed from the Reserve Account and
4 the instructions for wiring the funds to the Registrar and Payment Agent.
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6 Any final payments made on the Bonds, whether at maturity or upon
7 earlier redemption, shall not be made from the subaccount. When the Bonds
8 are no longer outstanding or defeased under the Resolution, the subaccount
9 serving as the Reserve Account shall cease to exist, and such funds shall
10 remain a part of the Legacy Fund and shall no longer be subject to the
11 Resolution or this ordinance.
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13 If the City determines that the Reserve Requirement for the Bonds can
14 be satisfied with another source permitted under the Resolution and such
15 alternative source is indeed funded to serve as all or a part of the Reserve
16 Requirement for the Bonds, the Common Council shall authorize the Board
17 of Trustees of the Legacy Fund to provide instructions to the trustee of the
18 Legacy Fund to modify as necessary, including elimination, the subaccount
19 serving as the Reserve Account.
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SECTION 2. This ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

EXHIBIT A

Description of Projects

Franklin School Phase 2	Construction of Phase 2 renovations to building to convert to pavilion, parking, plaza, sidewalks, and landscaping
Salomon Farm	Addition to Learning Center to create additional rental space along with camp and class space
McMillen Roof/Floor	Removal and replacement of a portion of the roof and flooring at the McMillen Community Center
Paving- Roads/Paths	Asphalt resurfacing of roadways, pathways, and trails in multiple parks
Foellinger Theatre	Improvements to the Theatre including parking lot, beams, sound system, catwalks, etc.
Shoaff Lake Dredge	Removal of sediments within the lake and improvements to the water quality
Soccer Fields-Kreager	Installation of soccer fields on N. River Road property; additional fields due to demand
Reservoir Pond/Shelter	Renovations to the seawall and sidewalk around the pond and the addition of an open air shelter
Playgrounds/Surfacing	Renovations to multiple playgrounds including surfacing
Jennings HVAC	Renovations to the heating and cooling system within the building
Freimann Square Pool	Replacement of the pool liner in the fountain
Misc. Maintenance	Miscellaneous maintenance repairs to various park facilities
Conservatory Connect	Construction of a connector to tie the Conservatory to the other downtown attractions
Conservatory Maintenance	Improvements to the Conservatory including drainage, roofing, mechanical, electrical and plumbing