

1 **BILL NO. R-18-10-09**

2
3 **RESOLUTION NO. _____**

4
5 **A RESOLUTION OF THE**
6 **COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,**
7 **REGARDING THE DISTRIBUTION OF AVAILABLE FUNDS FROM THE**
8 **CITY OF FORT WAYNE COMMUNITY LEGACY FUND TO THE**
9 **FORT WAYNE REDEVELOPMENT COMMISSION WITH REGARD TO**
10 **AN ECONOMIC DEVELOPMENT PROJECT TO BE UNDERTAKEN BY**
11 **RTM VENTURES LLC AND ITS AFFILIATES**

12
13 WHEREAS, the Fort Wayne Redevelopment Commission (the
14 “Commission”), governing body of the City of Fort Wayne, Indiana, Department of
15 Redevelopment (the “Department”) and the Redevelopment District of the City of Fort
16 Wayne, Indiana, exists and operates under the provisions of the Redevelopment of Cities
17 and Towns Act of 1953, which has been codified in Indiana Code 36-7-14 et seq., as
18 amended from time to time (the “Act”); and

19
20 WHEREAS, the Commission has previously designated and declared in
21 accordance with the Act an area in the City of Fort Wayne, Indiana (the “City”), known
22 as the Broadway-Taylor Redevelopment Project Area, to be a redevelopment area and an
23 allocation area (the “Area”), adopted a redevelopment plan, and established an allocation
24 fund for said Area; and

25
26 WHEREAS, RTM Ventures LLC, a Delaware limited liability company, and its
27 affiliates, Broadway Redevelopment Partners, LLC, EW West Campus Landlord, LLC and EW East
28 Campus, LLC (the “Developer”), have proposed the construction, rehabilitation, repair and redevelopment,
29 including office, residential and retail uses, as more particularly described on Exhibit A attached hereto
30 (the “Project”), on a parcel of Real Estate located generally south of the CSX railroad tracks, west of
Broadway Avenue and north of Swinney Avenue in Fort Wayne, Indiana, legally described on Exhibit B

1 attached hereto (the "Project Real Estate"); and

2 WHEREAS, the Commission has entered into an Economic Development
3 Agreement with Developer ("EDA") in order to stimulate and induce the Project; and

4 WHEREAS, the Commission has determined that the completion of the
5 Project is in the best interests of the citizens and taxpayers of the City and, to stimulate
6 and induce the completion of the development of the Project, the Commission agreed in
7 the EDA, subject to further proceedings as required by law, to provide certain economic
8 development incentives in exchange for the development of the Project; and

9
10 WHEREAS, the City of Fort Wayne has established the City of Fort
11 Wayne Community Legacy Fund ("Legacy Fund") to invest in projects that will have a
12 collective impact that leads to transformational change within the community; and

13 WHEREAS, the Fort Wayne Legacy Joint Funding Committee has found
14 that the Project will have a collective impact that leads to transformational change within
15 the City and determined that the Project is worthy of investment from the Legacy Fund;
16 and

17
18 WHEREAS, the Commission has requested the distribution of available
19 funds from the Legacy Fund in the amount of Ten Million and No/100 Dollars
20 (\$10,000,000.00) to be used in the provision of economic development incentives to the
21 Project as provided in the EDA ("Legacy Pledge"); and

22 WHEREAS, the Common Council has determined that the completion of
23 the Project is in the best interests of the citizens and taxpayers of the City and desires to
24 provide for the stimulation and inducement of the Project through the pledge of available
25 funds from the Legacy Fund, as provided in this Resolution;

26
27 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON
28 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:
29
30

1 1. The Common Council finds, determines, ratifies and confirms that
2 the Project (a) will have a collective impact that leads to transformational change in the
3 community and is worthy of investment from the Legacy Fund; and (b) is in the best
4 interests of the citizens and taxpayers of the City of Fort Wayne and will support the
5 redevelopment goals of the City of Fort Wayne in the Area.
6

7 2. The Common Council does hereby appropriate and pledge to the
8 Commission the amount of Ten Million and No/100 Dollars (\$10,000,000.00) to be used
9 by the Commission to provide economic development incentives to the Project, to be
10 paid to the Commission no later than five (5) days prior to the Fund Closing, as defined
11 in and pursuant to the EDA.
12

13 3. The Common Council does hereby authorize the Board of Trustees
14 of the City of Fort Wayne Community Trust Fund to make the distribution set forth in
15 Section 2 above.
16

17 4. This Resolution shall be in full force and effect from and after the
18 time it has been adopted by Common Council, approved by the Mayor and otherwise
19 executed and delivered in accordance with any and all laws appertaining thereto.
20

21 _____
Council Member

22 APPROVED AS TO FORM AND LEGALITY:
23

24 _____
25 Carol Helton, City Attorney
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27
28
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EXHIBIT A

Description of Project

The renovation and new construction of Buildings 19, 20, 21, 22, 22(a), 23, 23(a), 24, 25, 25(a), 26, 26(c), 27, 27(a), 31, 36 and F, all as part of the Development Plan of Electric Works West Campus, a mixed-use development that will be an 18-hour Campus allowing the public to live, work, and play in buildings that will preserve the history of the site and that will be repurposed to revitalize space for offices, residences, education, health care, entertainment, retail, and innovation and entrepreneurship.

The project will be located in the former General Electric Campus, south of the CSX railroad tracks, west of Broadway, and north of Swinney Avenue.

EXHIBIT B

Legal Description of Project Real Estate

EXHIBIT B
Page 1 of 2

Parcel B:

Lot 23 and the East Half of Lot 24 in Swinney's Addition to the City of Fort Wayne, Indiana, as per plat thereof as recorded in Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana.

Parcel C:

The South 100 feet of Lot 26 in Swinney's Addition to the City of Fort Wayne, Indiana, as per plat thereof as recorded in Deed Record 95, page 332 in the Office of the Recorder of Allen County, Indiana.

Parcel G:

Lots 25 through 31, Inclusive and the West 28 Feet of Lot 32 in Edsall's Addition to the City of Fort Wayne, Indiana as per plat thereof recorded in Plat Record N, page 332 in the Office of the Recorder of Allen County, Indiana.

Together with that portion of a 16 foot alley extending from the north boundary line of Lots 29 and 30 in Edsall's Addition to the south boundary line of Lots 29 and 30 in Edsall's Addition to the City of Fort Wayne, Indiana heretofore vacated by proceeds under General Ordinance No. G-23-85 adopted September 24, 1985 by the City Planning Commission and as depicted in Plat Map 16, page 5.

Parcel J:

The South 13 and one-half feet of Lot Numbered 1, Lots 2 through 8, Inclusive, and the South 29 and one-half feet of Lot Numbered 9 in Wall's Addition to the City of Fort Wayne, Indiana, as per plat thereof as recorded in the Office of the Recorder of Allen County, Indiana.

Parcel K:

Lots 2 through 4, Inclusive, in the General Electric Company Addition as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

ALSO

Lot 5 in General Electric Company Addition as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

Parcel O:

Together with that portion of Factory Street lying south of and adjacent to Lot 1 in General Electric Company Addition as vacated in Declaratory Resolution No. 687-1937 and as depicted in Plat Book 15, page 27, recorded February 24, 1939 in the Office of the Recorder of Allen County, Indiana.

EXHIBIT B
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Parcel P:

Lots numbered 5, 6, 7, 8, 9, 10 and 11 in Swinney's Addition to the City of Fort Wayne, as per plat thereof recorded in Deed Record 95, pages 332 and 333, in the Office of the Recorder of Allen County, Indiana.

Parcel Q:

Lots 56, 57, 58, 59, 60 and 61 in Swinney's Addition to the City of Fort Wayne, as per plat thereof recorded in Deed Record 95, pages 332 and 333, in the Office of the Recorder of Allen County, Indiana.

Also a tract of ground described as follows:

Commencing at the Northwest corner of Garden and Wall Streets, in the City of Fort Wayne, Indiana; thence West on the North line of Wall Street 142 feet to the East line of the Old Cemetery grounds; thence North along the East line of the Old Cemetery grounds 159 1/2 feet to the South line of the right of way of the Pittsburgh, Fort Wayne and Chicago Railway Company; thence East along said South line of said right of way to the West line of Garden Street, now Thompson Street; thence South 159 1/2 feet to the Place of Beginning.

Also, the 12 ft. vacated alley adjoining on the North of the aforesaid Lots, 56-61, both inclusive.

TOGETHER WITH:

1729 College Street, Fort Wayne, Indiana 46802
Parcel ID #02-12-10-280-001.000-074

North 50 feet of Lot Number 26, Swinney's Addition to the City of Fort Wayne, Allen County, Indiana according to the Plat thereof, recorded in Deed 95, Pages 332-333, in the Office of the Recorder of Allen County, Indiana

TOGETHER WITH:

1112 Swinney Avenue, Fort Wayne, Indiana 46803
Parcel ID #02-12-10-280-004.000-074

The West 1/4 of Lot Number 244 in Swinney's Addition, an addition to the City of Fort Wayne, according to the plat thereof, and recorded in Deed Book 95, page 332, recorded in the Office of the Recorder of Allen County, Indiana.