

**A Resolution confirming the approving
order of the Fort Wayne Plan Commission
and Fort Wayne Redevelopment
Commission Resolution 2019-10
concerning an amendment to the Civic
Center Urban Renewal Area**

WHEREAS, pursuant to the provisions of the Redevelopment of Blighted Areas Act of 1981, P.L. 309 and 310 of Acts of 1981 of the General Assembly of the State of Indiana, as amended and supplemented, on March 11, 2019, the Fort Wayne Redevelopment Commission adopted Declaratory Resolution 2019-10, attached hereto as Exhibit A, for the purpose of amending the Civic Center Urban Renewal Area and tax allocation area ("URA"); and

WHEREAS, on April 8, 2019, the Fort Wayne Plan Commission considered said Declaratory Resolution 2019-10 and the plan for redevelopment of the URA attached thereto and issued its Findings of Fact and Resolution, attached hereto as Exhibit B, whereby said Plan Commission determined that the plan for redevelopment of the URA conformed to the plan for development of the City of Fort Wayne;

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

Section 1. The approvals of the Fort Wayne Redevelopment Commission and Fort Wayne Plan Commission described herein are hereby approved, ratified and confirmed.

Section 2. This Resolution shall be in full force and effect from and after its passage and approval by the Fort Wayne Common Council and by the Mayor of the City of Fort Wayne.

Council Member

APPROVED as to form and legality

Carol Helton, City Attorney

**RESOLUTION AND APPROVING ORDER
CITY OF FORT WAYNE PLAN COMMISSION**

**APPROVING REDEVELOPMENT COMMISSION
DECLARATORY RESOLUTION 2019-10
AND ESTABLISHMENT OF AMENDMENT XII TO THE
CIVIC CENTER URBAN RENEWAL AREA**

WHEREAS, on March 11, 2019, the Fort Wayne Redevelopment Commission ("Redevelopment Commission") adopted Declaratory Resolution 2019-10, for the purpose of establishing Amendment XII to the Civic Center Urban Renewal Area and tax allocation area; and

WHEREAS, pursuant to IC 36-7-14-16, the Redevelopment Commission submitted the Declaratory Resolution together with the redevelopment plan and related support documents to the Fort Wayne Plan Commission ("Plan Commission") for the Plan Commission's consideration; and

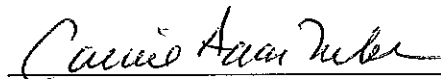
WHEREAS, after having been duly considered, the Plan Commission determined that the Declaratory Resolution, redevelopment plan and related support documents conform to the plan of development for the City of Fort Wayne;

NOW, THEREFORE, BE IT RESOLVED by the City of Fort Wayne Plan Commission that:

1. Redevelopment Commission Declaratory Resolution 2019-10, together with the redevelopment plan and related support documents attached thereto, conform to the plan of development for the City of Fort Wayne, and are hereby approved.
2. The Secretary of the Plan Commission is authorized to deliver to the Redevelopment Commission and to the City of Fort Wayne Common Council a copy of this fully executed Resolution, which shall constitute the approving order of the Plan Commission.

APPROVED AND ADOPTED by the Plan Commission at its Business Meeting on April 8, 2019.

CITY OF FORT WAYNE PLAN COMMISSION



Connie Haas Zuber, President



Kimberly R. Bowman, Secretary

**RESOLUTION 2019-10
FORT WAYNE REDEVELOPMENT COMMISSION**

**DECLARATORY RESOLUTION FOR THE
CIVIC CENTER
REDEVELOPMENT PROJECT AREA AND URBAN RENEWAL AREA
AMENDMENT NUMBER XII**

WHEREAS, on October 10, 1977, the Fort Wayne Redevelopment Commission ("Commission") adopted Confirmatory Resolution 77-48, establishing the Civic Center Urban Renewal Area ("URA"), and whereas on February 17, 1981, the Commission adopted Confirmatory Resolution 81-3, amending the URA and establishing a tax allocation area, which amended URA and tax allocation area the Commission has further amended ten times, as follows: by Confirmatory Resolution 82-29, adopted September 13, 1982; Confirmatory Resolution 82-37, adopted November 8, 1982; Confirmatory Resolution 86-11, adopted April 14, 1986; Confirmatory Resolution 86-52 adopted September 8, 1986; Confirmatory Resolution 87-11, adopted March 11, 1987; Confirmatory Resolution 91-68, adopted October 7, 1991; Confirmatory Resolution 95-7, adopted February 20, 1995; Confirmatory Resolution 97-21, adopted April 21, 1997; Confirmatory Resolution 99-59, adopted December 13, 1999; and Confirmatory Resolution 2014-34, adopted September 29, 2014; and

WHEREAS, the Commission has made investigations, studies and surveys of areas and activities in the City of Fort Wayne ("City") that have the potential to attract private development, promote and retain significant job opportunities, and attract and retain talented individuals, and has further considered the conditions which would prevent such activities from occurring; and

WHEREAS, such investigations, studies and surveys have been made in cooperation with various departments and bodies of the City and have focused on determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values; and

WHEREAS, the area described in Attachment 1: Exhibit A in the City ("Amendment Area") is situated in a strategic location from a downtown development standpoint; however, much of the Amendment Area is a Brownfield, located in a floodplain, or both. These characteristics, combined with the location and age of existing public infrastructure, add substantial cost and complexity to redevelopment efforts and cannot be corrected by regulatory processes or by the ordinary operation of private enterprise without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981) of the General Assembly of the State of Indiana, as amended and supplemented (the "Act"); and

WHEREAS, the Amendment Area encompasses several key parcels within the riverfront area, which is prioritized from a planning and redevelopment standpoint by policy documents including the City's Downtown Blueprint 2016 Update and Riverfront Conceptual Plan; and

WHEREAS, a private developer approached the Commission with plans for redevelopment of a site ("Project Site") within the Amendment Area as a multi-story mixed-use building and parking structure, construction of which will require the extension or relocation of public infrastructure; and

WHEREAS, the Amendment Area encompasses much of the Arts Campus including the Arts United

Center, the Fort Wayne Museum of Art, and the Auer Center, which are owned by Arts United, as well as Freimann Square, which is owned by the City of Fort Wayne (collectively, the "Arts District"); and

WHEREAS, Arts United of Greater Fort Wayne, the foremost arts advocacy and support organization in the region, is completing a Master Plan intended to transform the Arts District into a boldly accessible, connected, and welcoming regional destination through renovation, preservation, and expansion of the Arts United Center, connectivity and placemaking, branding, communication, and signage, and long-range planning; and

WHEREAS, supporting Arts United's efforts to renovate and expand the Arts Campus is Goal #5 of the Downtown Blueprint 2016 Update; and

WHEREAS, the Commission has investigated the existing public infrastructure in and serving the Project Site and the Arts District, and has prepared a redevelopment plan, attached hereto as Attachment 1, containing maps and descriptions of the boundaries of the Amendment Area, the location of the various parcels of real estate, streets, alleys, and other features affecting the development of the Amendment Area, the portions of the Amendment Area which are to be devoted to public purposes, and the general location of public infrastructure improvements necessary to support redevelopment of the Project Site and facilitate redevelopment of the Amendment Area; and

WHEREAS, the Commission has determined that implementation of such redevelopment plan will support construction of needed public improvements and provide for creation of additional downtown housing, job opportunities, and amenities for the citizens of the City, and that the public health, safety and welfare will be benefited by the redevelopment of the Amendment Area under the provisions of the Act; and

WHEREAS, the Commission's commitment to redevelopment of the Amendment Area requires expansion of the existing URA and creation of a new tax allocation area pursuant to Indiana Code 36-7-14, in order to fund local public improvements that will support the proposed redevelopment plan;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Redevelopment Commission ("Commission"), that:

1. The foregoing recitals are true and are incorporated herein and made a part hereof.
2. The land within the boundaries described in Attachment 1: Exhibit A "Boundary Description, Urban Renewal Area" of the *Redevelopment Plan for Amendment XII to the Civic Center Urban Renewal Area* ("Redevelopment Plan"), which Redevelopment Plan is attached hereto as Attachment 1 and made a part hereof, is a "redevelopment project area" and an "urban renewal project area" as those terms are defined in and for the purposes of Indiana Code ("IC") 36-7-14 et seq. (collectively "URA-XII").
3. The Redevelopment Plan is hereby approved, subject to any amendments to it that the Commission may approve in a resolution either confirming or amending and confirming this Resolution.
4. Pursuant to IC 36-7-14-15(a):

- A. The land area described in the Redevelopment Plan is an area in the territory under the Redevelopment Commission's jurisdiction that is in need of redevelopment.
- B. The conditions described in IC 36-7-1-3, which include but are not limited to:
 - 1. Lack of development;
 - 2. Cessation of growth;
 - 3. Deteriorated or deteriorating improvements;
 - 4. Environmental contamination;
 - 5. Character of occupancy;
 - 6. Age;
 - 7. Obsolescence;
 - 8. Substandard buildings; and
 - 9. Other factors that impair values or prevent a normal use or development of property, cannot be corrected in the area in the Redevelopment Plan by regulatory processes or the ordinary operations of private enterprise without resort to IC 36-7-14, in that:

The effects of past development as well as present challenges provide significant barriers to redevelopment of the Amendment Area. A substantial portion of the soils and groundwater have been contaminated by previous uses, including a manufactured gas plant operating from approximately 1851 to 1948, which left hazardous coal tar underneath portions of the Amendment Area. The railroad viaduct spanning the Amendment Area creates a physical barrier from the downtown core. The physical deterioration of the viaduct and the noise emitted by frequent trains also create challenges. Logistical issues and parking needs posed by programming at Headwaters Park further complicate redevelopment. In addition, much of the Amendment Area is in a floodplain.

- C. The public health and welfare will be benefited by the amendment of the existing declaratory resolution and the existing redevelopment plan, in that:

Redevelopment of blighted and/or underutilized properties in Ft. Wayne's downtown contributes to quality of life and quality of place. Active uses and downtown residences create a walkable, active, and vibrant urban environment. Walkable downtown development well-served by adequate transit affords older persons, non-drivers, and persons with limited mobility a greater degree of independence.

- 5. Pursuant to IC 36-7-14-15(a)(4) and IC 36-7-14-15(d), the Commission, having prepared the Redevelopment Plan for the URA-XII declares that:

- A. The amendment is reasonable and appropriate when considered in relation to the existing resolution or plan and the purposes of IC 36-7-14, in that:

The Civic Center URA has been amended many times since its initial creation in 1977, typically to facilitate development on adjacent or nearby parcels. This Amendment XII will continue this pattern by further extending the district's boundaries along the Clinton Street and Main Street corridors, adjacent to a portion of the existing district boundary.

- B. The existing resolution or plan, with the proposed amendment, conforms to the comprehensive plan for the unit, in that:

The character of development anticipated in the Amendment Area addresses themes articulated throughout the comprehensive plan such as infill development, environmental remediation, connectivity, and efficient use of existing infrastructure.

- C. It will be of public utility and benefit to amend the existing resolution or plan for the area, in that:

Expanding the URA to facilitate redevelopment of the Amendment Area will activate underutilized parcels in a key strategic location. It will facilitate private investment and development, thereby providing new tax revenue, jobs, and housing in a walkable area served by existing infrastructure. Such development is efficient, beneficial, and sustainable from a fiscal, social, and environmental perspective.

- D. Any additional area to be acquired under the amendment is designated as part of the existing redevelopment project area for purposes of IC 36-7-14.

- 6. The general boundaries of the URA-XII are described and depicted in the Redevelopment Plan.
- 7. The Commission does not at this time intend to acquire any privately-held real estate within the boundaries of the URA-XII; however, the Commission will, through its Department of Redevelopment, acquire real estate as required to implement the Redevelopment Plan.
- 8. As provided by IC 36-7-14-39(a) and IC 36-7-14-39(b), the entire area included in the boundary description in the Redevelopment Plan is an allocation area as that term is defined in, and qualifies for the allocation and distribution of property taxes pursuant to IC 36-7-14-39 ("Allocation Area").
- 9. The adoption of the allocation provision in this Resolution will result in new property taxes in the Allocation Area that would not have been generated but for the adoption of the allocation provision. The proposed project contemplates the development of land that is strategically located, but logistically challenging to the extent that redevelopment cannot be accomplished solely with private-sector funds.
- 10. Pursuant to IC 36-7-14-39(a){2}, "base assessed value" as used in this Resolution means:
 - A. The net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this Resolution, as adjusted under IC 36-7-14-39(h); plus
 - B. To the extent that it is not included in subsection (A), the net assessed value of property that is assessed as residential property under the rules of the Indiana Department of Local Government Finance, as finally determined for any assessment date after the effective date of the allocation provision.
- 11. Pursuant to IC 36-7-14-39(b), after the date of adoption of a resolution that confirms the establishment of the URA-XII and the Allocation Area, any property taxes levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the Allocation Area shall be allocated and distributed as follows:

- A. Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:
1. The assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
 2. The base assessed value,
- shall be allocated to and, when collected, paid into the funds of the respective taxing units.
- B. The excess of the proceeds of the property taxes imposed for the assessment date with respect to which the allocation and distribution is made that are attributable to taxes imposed after being approved by the voters in a referendum or local public question conducted after April 30, 2010, not otherwise included in subsection (A) shall be allocated to and, when collected, paid into the funds of the taxing unit for which the referendum or local public question was conducted.
- C. Except as otherwise provided in this section, property tax proceeds in excess of those described in subsections (A) and (B) shall be allocated to the City of Fort Wayne's ("City") redevelopment district and, when collected, paid into the allocation fund established for the Allocation Area that may be used by the Commission only to do one (1) or more of the following:
1. Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the City's redevelopment district for the purpose of financing or refinancing the redevelopment of the Allocation Area.
 2. Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in the Allocation Area.
 3. Pay the principal of and interest on bonds payable from allocated tax proceeds in the Allocation Area and from the special tax levied under IC 36-7-14-27.
 4. Pay the principal of and interest on bonds issued by the City to pay for local public improvements that are physically located in or physically connected to the Allocation Area.
 5. Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in the Allocation Area.
 6. Make payments on leases payable from allocated tax proceeds in the Allocation Area under IC 36-7-14-25.2.
 7. Reimburse the City for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in IC 36-7-14-25.1(a)) that are physically located in or physically connected to the Allocation Area.
 8. Reimburse the City for rentals paid by it for a building or parking facility that is physically located in or physically connected to the Allocation Area under any lease entered into under IC 36-1-10.
 9. For property taxes first due and payable before January 1, 2009, pay all or a part of a property tax replacement credit to taxpayers in the Allocation Area as determined by the Commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the Allocation Area:
 - a. STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) (before their repeal) that is attributable to the taxing district.

- b. STEP TWO: Divide:
 1. That part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2 (before its repeal)) for that year as determined under IC 6-1.1-21-4 (before its repeal) that is attributable to the taxing district; by
 2. The STEP ONE sum.
- c. STEP THREE: Multiply:
 1. The STEP TWO quotient; times
 2. The total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2 (before its repeal)) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in the Allocation Area receive the credit in full, each taxpayer in the Allocation Area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under IC 36-7-14-39.5 (before its repeal) in the same year.

10. Pay expenses incurred by the Commission for local public improvements that are in the Allocation Area or serving the Allocation Area. Public improvements include buildings, parking facilities, and other items described in IC 36-7-14-25.1(a).
11. Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:
 - a. In the Allocation Area; and
 - b. On a parcel of real property that has been classified as industrial property under the rules of the Indiana Department of Local Government Finance;

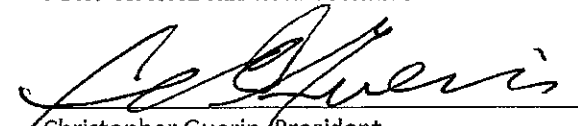
however, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this section. The reimbursements under this subsection must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.
12. Pay the costs of carrying out an eligible efficiency project (as defined in IC 36-9-41-1.5) within the City. However, property tax proceeds may be used under this subsection to pay the costs of carrying out an eligible efficiency project only if those property tax proceeds exceed the amount necessary to do the following:
 - a. Make, when due, any payments required under subsections (1) through (11) above, including any payments of principal and interest on bonds and other obligations payable under this section, any payments of premiums under this section on the redemption before maturity of bonds, and any payments on leases payable under this section.
 - b. Make any reimbursements required under this section.
 - c. Pay any expenses required under this section.
 - d. Establish, augment, or restore any debt service reserve under this section.
13. Expend money and provide financial assistance as authorized in IC 36-7-14-12.2(a)(27).

D. The allocation fund shall not be used for operating expenses of the Commission.

12. Pursuant to IC 36-7-25-3(a), projects, improvements, or purposes that may be financed by the Commission in redevelopment project areas or economic development areas may be financed if the projects, improvements, or purposes are not located in those areas or the redevelopment district as long as the projects, improvements, or purposes directly serve or benefit those areas.

13. Pursuant to IC 36-7-14-39(b), the allocation provision in this Resolution shall expire on the later of:
 - A. Twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds, or lease rentals on leases, payable from tax increment revenues; or
 - B. Twenty-five (25) years after the date of adoption of a resolution confirming or amending and confirming this Resolution.
14. Following adoption of this Resolution, the Executive Director shall deliver a copy of this Resolution and Redevelopment Plan to the City's Plan Commission for its review and determination as to whether the Resolution and Redevelopment Plan conform to the plan of development for the City, and shall request that the Plan Commission issue its written order approving the Resolution and Redevelopment Plan.
15. Following receipt of the Plan Commission's written approving order, the Executive Director shall deliver the approving order together with this Resolution and Redevelopment Plan to the City's Common Council, and shall request that the Council issue its written order approving the additional area as part of the existing redevelopment project area and approving the Resolution and Redevelopment Plan.
16. Following receipt of the Common Council's written approving order, the Executive Director shall publish notice of the adoption and substance of this Resolution together with notice of a public hearing to be held by the Commission in accordance with IC 5-3-1, IC 36-7-14-17(a) and IC 36-7-14-17(b), and shall mail the notices required by IC 36-7-14-17(c). In the event this resolution amends an existing redevelopment area, the Executive Director shall mail the notices required by IC 36-7-14-17.5(a) and IC 36-7-14-17.5(b) as required.
17. Adopted and effective this 11th day of March, 2019.

FORT WAYNE REDEVELOPMENT COMMISSION


Christopher Guerin, President


Mark D. Becker, Secretary

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS
COUNTY OF ALLEN)

BEFORE ME, a Notary Public in and for said State and County, personally appeared Christopher Guerin and Mark D. Becker, President and Secretary of the Redevelopment Commission, and acknowledged the execution of the foregoing Resolution as a voluntary act and deed for the uses and purposes therein contained.

WITNESS my hand and seal this _____ day of _____, 20_____.

My Commission Expires: _____

Signature of Notary Public

Resident of _____ County

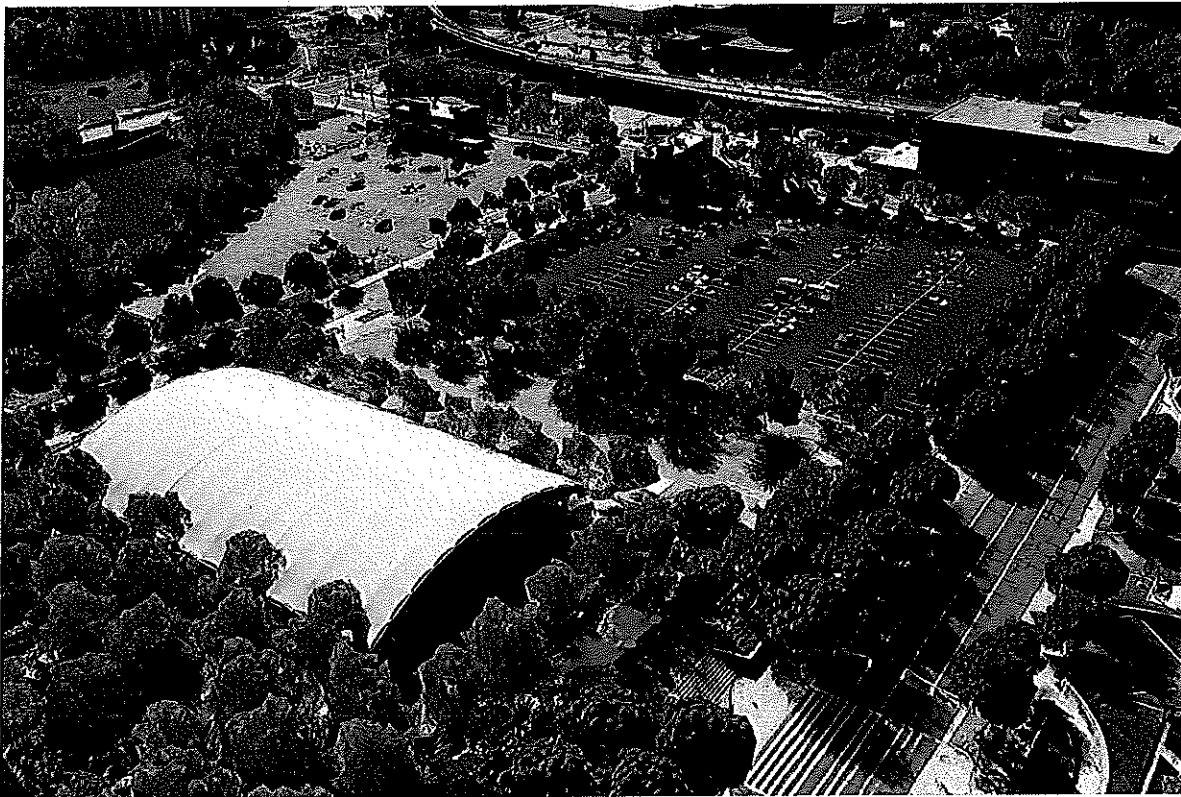
Printed Name

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Joseph R. Giant.

*This instrument prepared by Joseph R. Giant, Redevelopment Manager,
Department of Redevelopment, 200 East Berry Street, Suite 320, Fort Wayne, Indiana 46802.*

ATTACHMENT #1

**REDEVELOPMENT PLAN
FOR AMENDMENT XII TO THE
CIVIC CENTER URBAN RENEWAL AREA**



City of Fort Wayne Redevelopment Commission

March 11, 2019



REDEVELOPMENT COMMISSION



I. OVERVIEW

Festivals, concerts, events, renowned architecture, and natural beauty have made Headwaters Park and the Arts Campus among the most popular attractions in downtown Fort Wayne. Nearby projects and current planning initiatives have drawn renewed attention to this corner of downtown, but barriers to reinvestment stemming from past uses, floodplain regulations, and other logistical challenges complicate redevelopment efforts. Nevertheless, private development interest has persisted due to the strategic location of this real estate, most notably a proposal to construct a mixed-use building and parking structure on the parking lot located between Headwaters Park and Superior Street. Master plans currently being developed for both the Riverfront and Arts Campus are likely to generate additional interest in the area. The purpose of this Redevelopment Plan is to facilitate implementation of the aforementioned initiatives and general redevelopment of the area by identifying obstacles to redevelopment and describing the types of public projects that could catalyze private development.

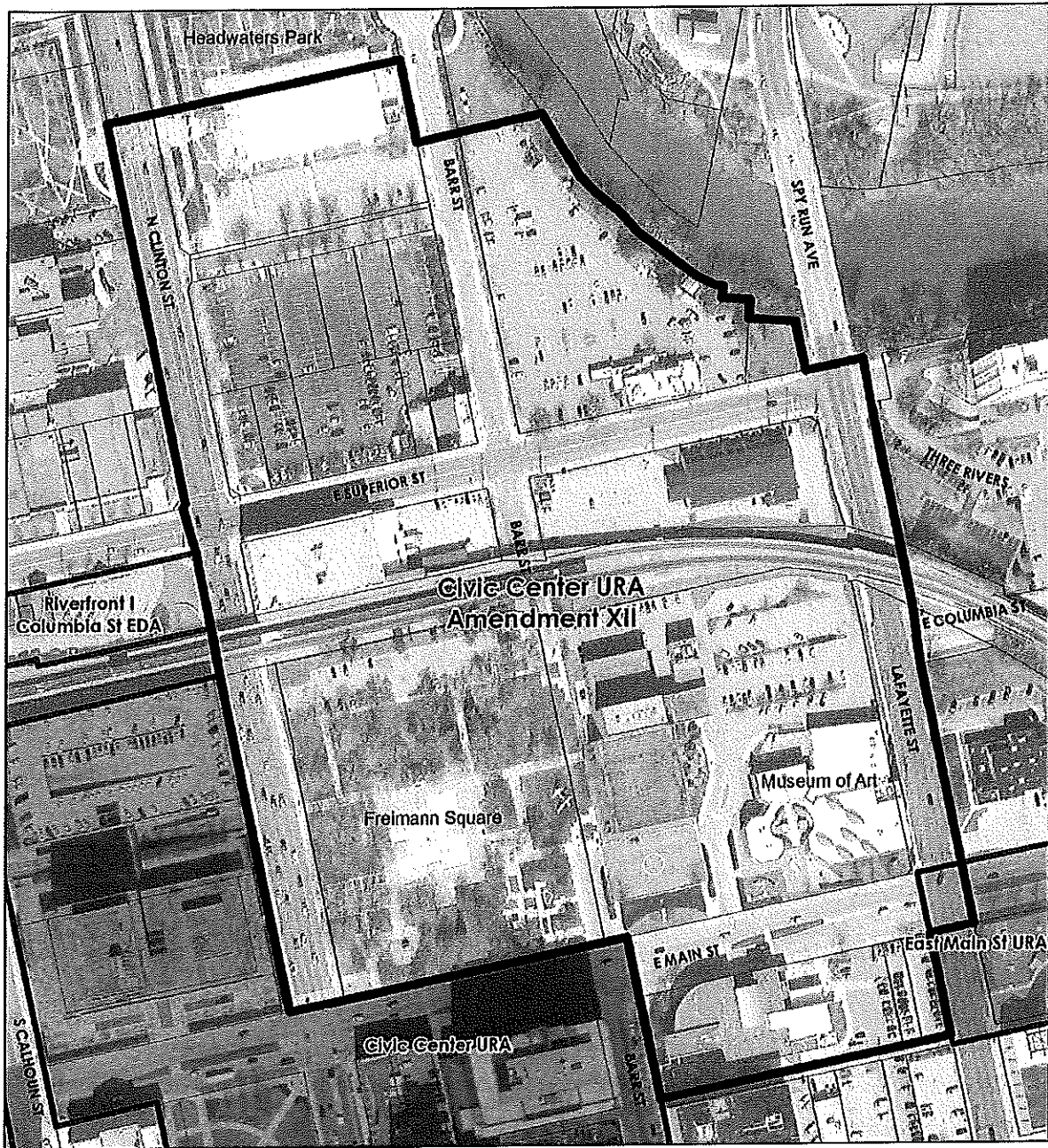
This area, located in the northeast corner of downtown, is depicted on the map on the following page. It comprises approximately 28.2 acres and is generally bounded by Clinton Street to the west, Main Street to the south, Lafayette Street and the St. Marys River to the east, and Headwaters Park to the north ("Amendment Area"). This Redevelopment Plan and the accompanying Declaratory Resolution are intended to accomplish the following:

- 1) Amend the existing boundaries of the Civic Center Urban Renewal Area ("Civic Center URA" or "URA") to include the Amendment Area, and
- 2) Create a new tax allocation area that is coterminous with the boundaries of the Amendment Area ("Allocation Area").

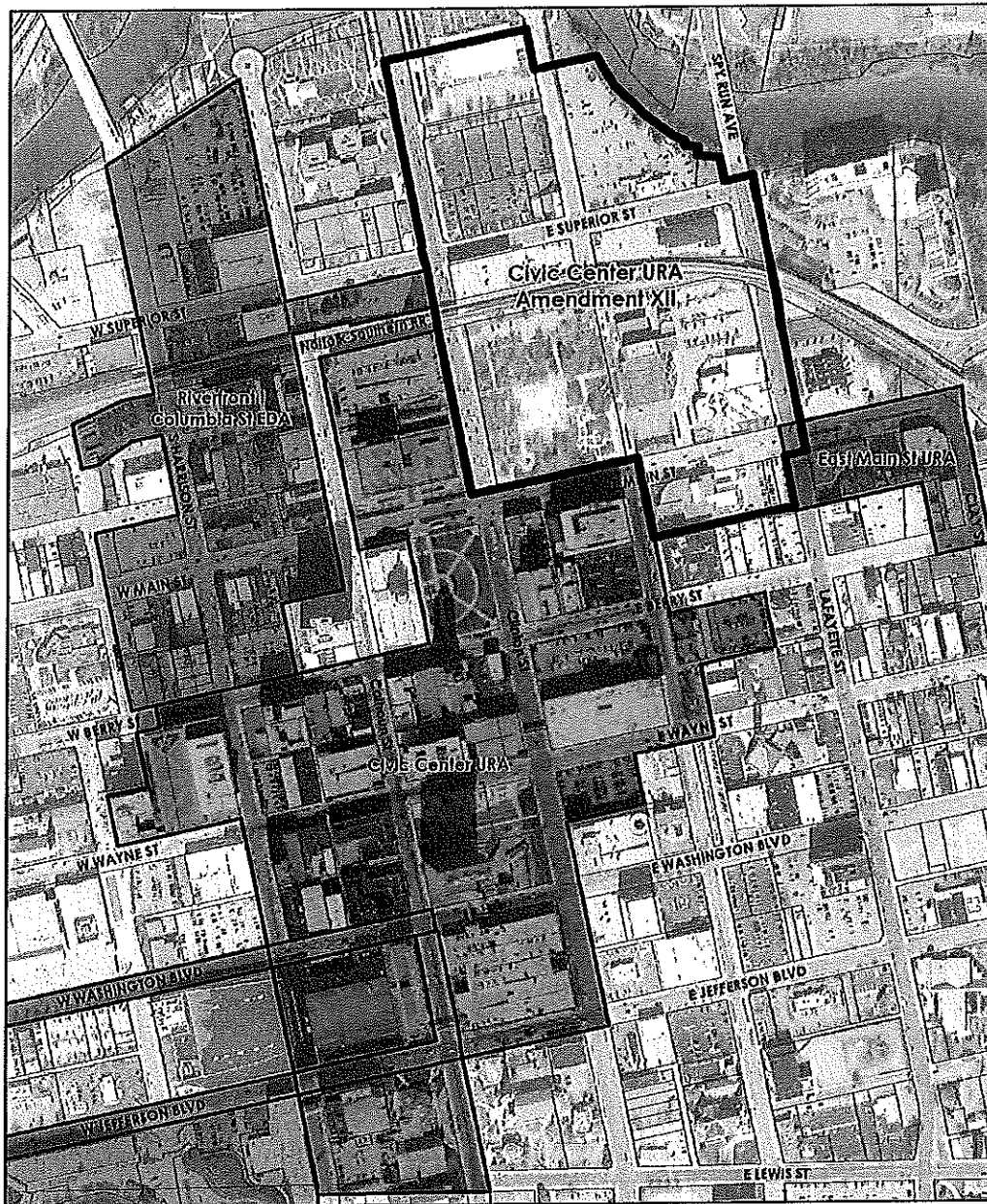
The Amendment Area would share a boundary with the existing URA along Clinton Street between Main Street and the Norfolk Southern Railroad viaduct, along Main Street between Clinton Street and Barr Street, and along a small portion of Barr Street.

II. BOUNDARY DESCRIPTION, ECONOMIC DEVELOPMENT AREA

The Amendment Area consists of an expansion of the Civic Center URA and the creation of a new Allocation Area. The boundary of the new Allocation Area, as that term is defined in IC 36-7-14-39, is coterminous with the boundary of the URA expansion. The total area encompassed by this amendment is 28.2 acres. A map of the Amendment Area is displayed below, and a more detailed boundary description can be found in Exhibit A:

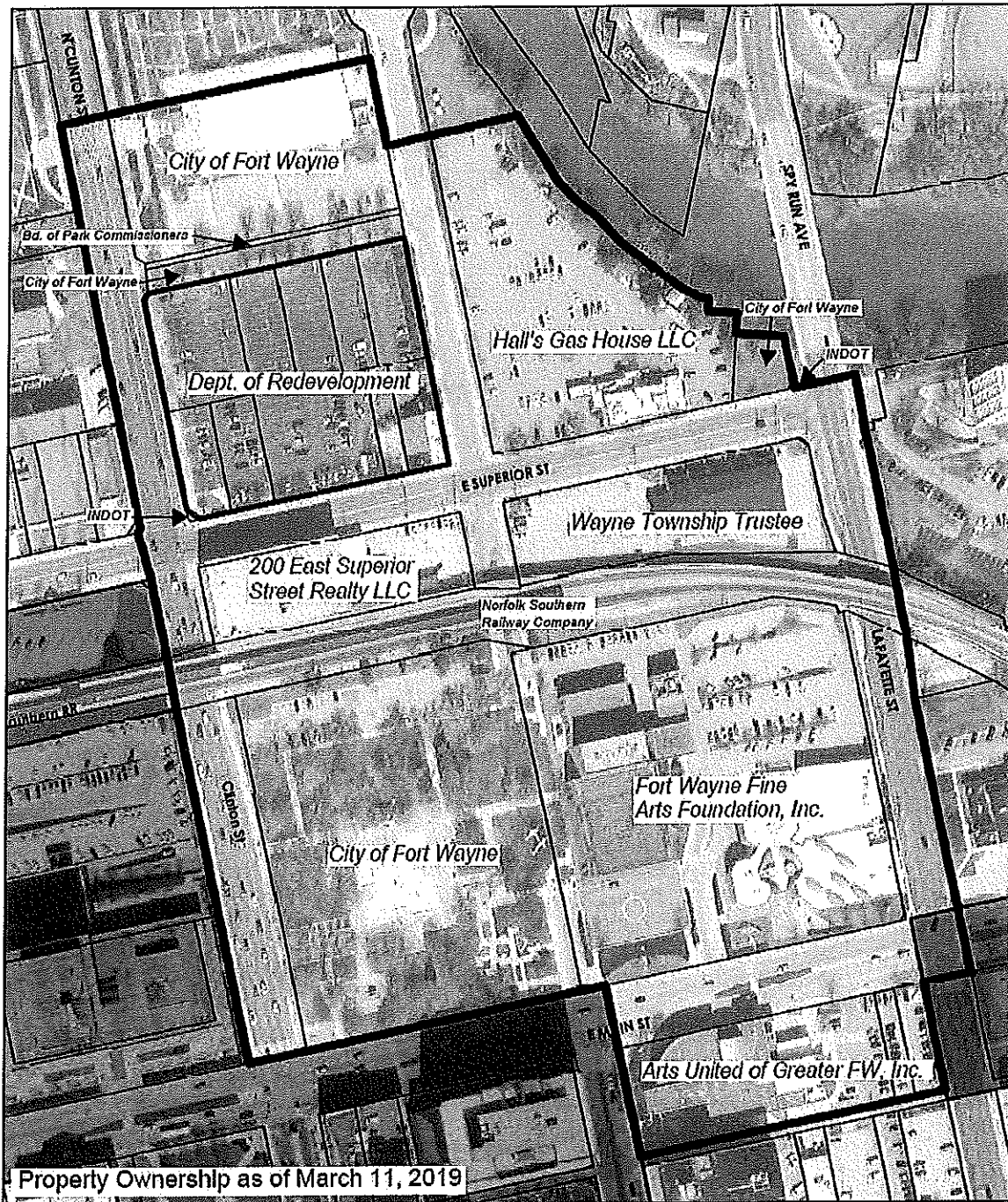


The Amendment Area is part of the larger Civic Center URA, displayed in the map below.



III. REAL PROPERTY WITHIN THE ALLOCATION AREA

The following map displays property ownership within the Amendment Area as of the date of adoption of the Declaratory Resolution. Parcel ownership information is contained in Exhibit B. For the purposes of this Redevelopment Plan, the properties on either side of Main Street owned by Fort Wayne Fine Arts Foundation, Inc. and Arts United of Greater FW, Inc., respectively, and Freimann Square, owned by the City of Fort Wayne, constitute the Arts District.



IV. REDEVELOPMENT PROJECT SUMMARY

This Redevelopment Plan was set in motion by potential redevelopment of the surface parking lot owned by the City of Fort Wayne Department of Redevelopment, bounded by Superior Street, Barr Street, Duck Street, and Clinton Street ("Project Site"). The block contains the Club Soda restaurant, which operates in a rehabilitated building that is more than a century old. The project will likely include construction of a mixed-use high-density residential and commercial structure wrapping a multi-level parking garage. Creating an efficient building design while incorporating the City's economic development objectives could potentially require a structure that extends beyond the northern limit of the existing surface lot, potentially extending across Duck Street. Specific factors influencing this design aspect include the following: (1) Incorporating active uses along street-facing facades and screening the parking garage, (2) Incorporating enough parking to support the project, Headwaters Park, and future development in the vicinity, and (3) Retaining the existing Club Soda building.

The Project Site is a Brownfield and is in the floodplain. Understanding the full extent of subgrade contamination prior to excavation is difficult, and although engineering solutions can mitigate most floodplain issues, permission to build ultimately requires discretionary approval if development does not comply with statutes and ordinances. These factors can influence project design, including the capacity of any parking structure (especially if sub-grade construction is restricted). Thus, the number of parking spaces in a garage could range from less than 500 to more than 700, with a corresponding range in cost from less than \$20 million to more than \$25 million.

The broader Amendment Area includes properties surrounding the Project Site as well as the Arts Campus and Freimann Square. Projects that support redevelopment of the Project Site, as well as potential projects that could contribute to full redevelopment of the Amendment Area, are contained in Section X of this Plan.

V. RELOCATION OF RESIDENTS AND BUSINESSES

No relocation of residents and businesses is necessary to redevelop the Project Site. However, parts of the Amendment Area contain uses whose relocation could facilitate the creation of a more active downtown.

VI. ENVIRONMENTAL CONCERNS

The Amendment Area is in an older part of the city that has accommodated many uses since its initial development, perhaps most notably a manufactured gas plant located on the east side of Barr Street. Other parts of the Amendment Area accommodated uses such as car repair and dry cleaning, which often leave behind sub-grade contaminants. Consequently, much of the Amendment Area is contaminated with coal tar (a by-product of coal gasification) and various levels of other pollutants. Because of the potential danger associated with exposure to these residual pollutants, varying degrees of mitigation and clean-up are required.

Environmental remediation efforts have been underway since the 1990s, but redevelopment of the Amendment Area will ultimately require specific remediation techniques that are determined by the anticipated uses (for example, residences require a higher level of remediation than commercial or industrial uses), and by actual contamination encountered during site excavation.

VII. COMPREHENSIVE PLAN, LAND USE, AND ZONING

Comprehensive Plan. The importance of downtown to the economic health of the community is recognized throughout Plan-It Allen, which is the comprehensive plan for Fort Wayne and Allen County. Most specifically, Objective ED 5 from the Economic Development chapter states: "Treat downtown Fort Wayne as one of the most important economic development locations," and "Aggressively pursue the strategies of the Blueprint plans." Goal #3 of the Downtown Blueprint 2016 Update states "Support the priorities and recommendations of the Riverfront Fort Wayne Conceptual Plan." The Amendment Area lies within the Riverfront Master Planning Area, and includes key parcels whose redevelopment would bring significant investment and activity to the east side of the riverfront area.

The comprehensive plan supports economic incentives on infill sites, especially sites with exceptional challenges. Specifically, Land Use Policy LU3.B states: "Within the ... Infill Opportunity Area..., establish and/or expand economic incentives to promote revitalization and redevelopment in areas served by adequate existing infrastructure."

In addition, redevelopment of the Amendment Area addresses many themes articulated throughout the comprehensive plan such as infill development, environmental remediation, connectivity, and efficient use of existing infrastructure.

Land Use & Zoning. The entire Amendment Area is located in the Downtown Core ("DC") zoning district. The DC district encompasses most of downtown Fort Wayne and includes the highest-density areas in the region. DC district regulations promote an active, attractive, and pedestrian-friendly environment while maintaining the unique and historic character of downtown.

Multi-story mixed-use development is a permitted use in the DC district. Structured parking is permitted, provided it complies with certain design guidelines.

Variances are required for development in the floodplain that does not comply with the regulations of the zoning ordinance.

VIII. EXISTING PUBLIC INFRASTRUCTURE

The Amendment Area is located in a fully developed portion of the city, so public infrastructure and utilities are generally available and have the capacity to support anticipated development. Necessary public infrastructure improvements are described in Section X of this plan.

IX. FLOODPLAIN AND WETLANDS

A significant portion of the Amendment Area is located in the 100-year floodplain, including most of the Project Site, and a portion of the Hall's parcel located on the east side of Barr Street. Other parcels along Superior Street are located in the 500-year floodplain. With minor exceptions, the floodplain does not extend to the railroad or beyond. The map below displays the extent of the floodplain within the Amendment Area.



X. POTENTIAL REDEVELOPMENT PROJECTS

Public improvements within and serving the Amendment Area can be separated into two categories:

Category 1: Projects Necessary for Redevelopment of the Project Site. To the extent possible, cost estimates are included for these projects.

Category 2: Projects to Facilitate Future Redevelopment of the Amendment Area. Due to the uncertain time frame and scope of future projects, cost and timing are not included. It is intended that the Redevelopment Commission regard this category as a guide, rather than an explicit list of the types of projects that could be undertaken in the Amendment Area.

Infill development projects may encounter challenges such as environmental contamination, existing utilities and infrastructure, incompatible uses and structures, and multiple parcel ownership. The location of the Project Site and other Amendment Area properties in a floodplain further complicates redevelopment efforts. Therefore, to fully implement this Redevelopment Plan, some projects could require the use of one

or more of the redevelopment activities described in IC 36-7-14. This includes, but is not limited to strategic property acquisition, demolition, and remediation. In addition, many projects will require professional design engineering, consulting services, and traffic management.

Generally, right-of-way improvements should be designed using Complete Streets principles to the greatest extent possible. The Amendment Area is located in a high-density urban area, so walkability, multimodal accessibility, and connectivity are of particular importance. Many of the arterials serving the Project Site and Amendment Area also serve as gateways into downtown, and as such, they should incorporate high-quality designs and materials. Quality of Place improvements, including public art and aesthetic enhancements, should be strategically integrated into public improvements whenever possible.

Category I: Projects Necessary for the Redevelopment of the Project Site.

Project Site Public Infrastructure: Costs of on-site public infrastructure and improvements will be determined by project design and by floodplain and environmental constraints. Proposed projects include:

- a. Public parking garage with 500-700 spaces. Preliminary cost estimates are \$20-25 million;
- b. Creation of additional open space along Superior Street adjacent to Club Soda;
- c. Projects necessary for the successful accommodation of Headwaters Park festivals and events. Potential projects could include, but are not limited to utility and electrical hookups for vendors, aesthetic enhancements to the north facade of the structure, improved lighting, and public restrooms;
- d. Flood mitigation; and
- e. Environmental remediation.

Public Infrastructure:

a. Streets and Sidewalk

- i. Streetscape on Clinton, Barr, and Superior, including an 'urban trail' along Superior Street and Barr Street. Estimated cost is \$1,200,000;
- ii. Redesign of Superior Street, including a reduction to two travel lanes, the addition of on-street parking, and intersection improvements at Superior Street and Barr Street, including a left turn lane on eastbound Superior to northbound Barr, and possible signalization. Estimated cost is \$400,000 (although some parts of this project and the associated costs may be included in the streetscape and water main replacement projects);
- iii. Left turn lane/curb cut from Clinton Street to Project Site. Estimated cost is \$100,000; and
- iv. New curb cut into Headwaters Park lot from Clinton Street and modifications/repairs to Headwaters Park landscaping necessitated by curb cut. Modifications could include enhancements that make parking area more suitable for festival/park programming including, but not limited to utility hookups, decorative pavement, public art, lighting, and landscaping. Estimated cost is \$100,000 (not including potential Headwaters Lot design modifications).

Total Streets & Sidewalks: \$1,800,000

b. Water

- i. Replace/extend 16" water main along Superior Street between Calhoun Street and Lafayette Street. Estimated cost is \$591,500;
- ii. Service reconnections to 16" main. Estimated cost is \$91,000;
- iii. Line 24" water main on Clinton Street from 4th Street to Main Street (valve to valve). Estimated cost is \$189,500; and
- iv. Line 24" water main on Superior Street from the river crossing (north of Three Rivers Apartments) to Clinton Street. Estimated cost is \$109,000;

Total Water: \$981,000

c. Sewer and Stormwater

- i. Relocate existing 30" storm sewer extending along the south side of Duck Street to the north to extend across the Headwaters Park lot, and tie into an existing pipe at Barr Street; abandon and plug/remove existing 15" and 24" storm sewers in the Project Area. Estimated cost is \$245,000;
- ii. Combine and relocate existing 12" combined storm and sanitary sewer extending along the north side of Duck Street and the existing 8" sanitary sewer extending along the south portion of the Headwaters Park lot to extend further north into the Headwaters Park lot. Estimated cost is \$156,000;
- iii. The existing 42" combined storm and sanitary sewer extending along the middle of Duck Street was constructed in 2017 and is at a depth where it may be possible to leave in place, provided the pipe could be accessed if necessary. If the pipe must be moved, it would be relocated to the north near the proposed location of the other pipes. Estimated cost is \$430,000.

Total Sewer and Stormwater: \$401,000 (\$831,000 if 42" pipe must be relocated)

- d. Temporary parking.** Construction at the Project Site will displace users of the existing surface parking lot. Creating temporary parking and/or semi-permanent parking in areas such as the North River property and underneath the railroad viaduct could alleviate the short-term supply deficit. Wayfinding and signage should be included in order to effectively communicate alternative parking options. Cost is largely dependent on the number of spaces created, existing conditions on the site, and the level of improvement desired (for instance, gravel versus asphalt).

Category 2: Projects to Facilitate Future Redevelopment of the Amendment Area.

Initial redevelopment projects in the Amendment Area will likely lead to additional opportunities. Many of these opportunities could increase the intensity of existing land uses, which could require upgrades to existing public infrastructure. Although the type, location, and timing of future projects are unknown, several improvements can be anticipated:

- (a) The Amendment Area is largely within the Riverfront Master Plan Area. Recommendations of the Riverfront Master Plan should be considered in addition to the public improvements described in this

section. Public improvements intended to integrate the river into redevelopment projects are encouraged, provided they are consistent with the Riverfront Master Plan;

- (b) Screening and buffering from the railroad and from power lines and utility equipment. Screening of parking lots is also recommended, as is noise mitigation from the railroad;
- (c) Maintenance and structural restoration of the railroad viaduct. This includes improvements to surface parking underneath the railroad as well as aesthetic and safety enhancements where the railroad interfaces with pedestrian pathways;
- (d) Environmental remediation as required to redevelop other contaminated sites throughout the Amendment Area;
- (e) Environmental sustainability and conservation projects including, but not limited to, flood mitigation, stormwater management, riverbank stabilization, sustainable energy systems, and other projects designed to minimize the ecological footprint of redevelopment efforts;
- (f) Utility improvements necessary for future development;
- (g) Public improvements that will facilitate implementation of the Arts Campus Master Plan. Many projects will depend on the final content of the plan;
- (h) Design enhancements/improvements to Freimann Square;
- (i) Multi-modal connectivity improvements between the north and south sides of the railroad, and between the east and west sides of Lafayette Street;
- (j) Streetscape improvements along other streets in the Amendment Area; and
- (k) Connectivity improvements between Freimann Square and The Landing, including a mid-block crossing on Clinton Street and redesign of the Rousseau Building pedestrian plaza.

XI. PROPERTY TO BE ACQUIRED

The City and/or its agencies control all land in and adjoining the Project Site.

In other parts of the Amendment Area, strategic opportunities which may include property acquisition should be considered in order to fully implement this Redevelopment Plan, provided those opportunities are consistent with this Plan.

XII. FUNDING PRIORITIES

The Commission will, at its sole discretion, determine funding priorities based on Allocation Area revenue, other resources, and specific project requirements, among other considerations.

EXHIBIT A

BOUNDARY DESCRIPTION, URBAN RENEWAL AREA

The Amendment Area constitutes an expansion of the Civic Center Urban Renewal Area and the creation of a new Allocation Area. The additional area in the URA and the Allocation Area have the same boundaries.

Beginning at the northwest corner of the intersection of Clinton Street and Main Street and continuing eastward, generally, along the northern extent of the Main Street right-of-way ("ROW") to the point directly across Main Street from the continuation of the eastern extent of the Barr Street ROW, then southward, generally, along the eastern extent of the Barr Street ROW to the southwest corner of the property commonly referred to as 312 E Main St (legally described as LOT 266 HANNAS ADDN & LOTS 45 THRU 48 & 73 COUNTY ADDN & VAC ALLEY, and containing the Auer Center for Arts & Culture), then continuing eastward, generally, along the southern boundary of said parcel, and continuing past said parcel in the same direction to the western extent of the Lafayette Street ROW, then northward, generally, along the western extent of the Lafayette Street ROW, to the southwest corner of the intersection of Lafayette Street and Main Street, then eastward, generally, across Lafayette Street to the southeast corner of said intersection, then northward, generally, along the eastern extent of the Lafayette Street ROW, continuing in the same direction across the Norfolk Southern Railroad ROW, continuing along the eastern extent of the Lafayette Street ROW to the southeast corner of the intersection of Lafayette Street and Superior Street, then continuing in the same direction for approximately 65 feet, to the point where said continuation would intersect with a continuation of the Superior Street ROW (roughly past the sidewalk on the northeast corner of the intersection of Lafayette St and Superior St), then westward, generally, following the shortest path to the northwest corner of the intersection of Lafayette Street and Superior Street, then northward and westward, generally, following the property lines adjacent to the St. Marys River to the northeast corner of the property commonly referred to as 305 E Superior Street (legally described as Hanna Addition Lots 269 & 270 & Space Adj on N & Lot 1 Original Plat & Lot 68 County Addition & Vac Spy Run Ave, currently containing Hall's Gas House), and continuing westward, generally, along the northern extent of said property, to the eastern extent of the Barr Street ROW, continuing in the same direction to the western extent of the Barr Street ROW, then northward, generally, for approximately 115 feet along the eastern extent of the Barr Street ROW to the northeast corner of the property commonly referred to as 333 S Clinton Street (legally referred to as S 207.9FT EXC SW 12FT FRL FOR ST LOT 5 ELIZA HANNA SUB JAIL & VAC DUCK ST EX N 8FT, and containing the southern 2/3 of the Lincoln Pavilion at Headwaters Park), then continuing westward, generally, along the northern lot line of said property to the eastern extent of the Clinton Street ROW, then continuing in the same direction across the Clinton Street ROW to the western extent of the Clinton Street ROW, then continuing southward, generally, along the western extent of the Clinton Street ROW, continuing in the same direction through the Norfolk Southern Railroad ROW, and continuing southward, generally, along the western extent of the Clinton Street ROW to the point of origin.

REDEVELOPMENT COMMISSION

EXHIBIT B

REAL PROPERTY IN THE AMENDMENT AREA



REDEVELOPMENT COMMISSION

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne IN 46802
260.427.1127 • 311

www.fwcommunitydevelopment.org

May 9, 2019

MEMO

To: City of Fort Wayne Common Council

Copy: City of Fort Wayne Redevelopment Commission

From: Nancy Townsend, Redevelopment Director, 427-2323

Re: **Amendment XII to the Civic Center Urban Renewal Area and tax allocation area**

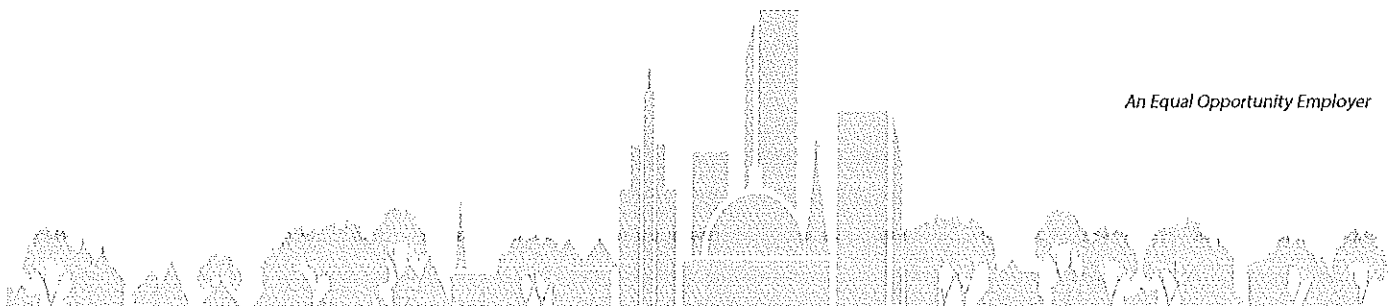
Pursuant to IC 36-7-14-16, please find enclosed herewith:

1. Fort Wayne Redevelopment Commission Declaratory Resolution 2019-10, together with the associated redevelopment plan and related documents that were approved by the Redevelopment Commission on March 11, 2019 for the purpose of amending the Civic Center Urban Renewal Area; and
2. The Fort Wayne Plan Commission's Findings of Fact and Resolution dated April 8, 2019, wherein the Plan Commission determined that Declaratory Resolution 2019-10 and the redevelopment plan conform to the plan of development of the City of Fort Wayne.

The Redevelopment Commission hereby requests that the Common Council consider and approve the approvals of the Fort Wayne Redevelopment Commission and Fort Wayne Plan Commission.

Following the Common Council's consideration and approval, the Redevelopment Commission will conduct a public hearing on the amendment of the proposed urban renewal area, and will take appropriate action to confirm the Declaratory Resolution and redevelopment plan.

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DIGEST SHEET

TITLE OF RESOLUTION. A Resolution confirming the approving order of the Fort Wayne Plan Commission and Fort Wayne Redevelopment Commission Resolution 2019-10 concerning an amendment to the Civic Center Urban Renewal Area.

DEPARTMENT REQUESTING RESOLUTION. Redevelopment Commission.

SYNOPSIS OF RESOLUTION. Approves Amendment XII to the Civic Center Urban Renewal Area ("URA"). The Redevelopment Commission must publish notice and conduct a public hearing prior to taking final action on creation of the URA.

EFFECT OF PASSAGE. The existing Civic Center Urban Renewal Area encompasses much of the downtown core and has been amended 11 times since its establishment in 1977. Amendment XII encompasses approximately 28.2 acres of land and includes the area bounded by Clinton Street, Main Street, Lafayette Street and the Lincoln Pavilion in Headwaters Park, as well as the Auer Center south of Main Street.

Land within the amendment area is fully developed and has accommodated a wide range of uses over the years. Despite its prime location, environmental contamination, floodplain, connectivity, parking, and logistical issues have frustrated redevelopment efforts. Expansion of the URA will provide significant support for revitalization of this important area and create a potential mechanism to support Arts Campus master planning efforts. When completed, the URA will increase the City's property tax base, increase employment opportunities, and give impetus to additional redevelopment and economic development.

EFFECT OF NON-PASSAGE. The public infrastructure improvements required to support redevelopment of the URA will not occur within the timeframe necessary to support the goals in the development/redevelopment plan for the URA.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS). There are no direct costs associated with amending the URA. Activities such as the expansion, construction, or reconstruction of public infrastructure will likely be necessary for the successful redevelopment of the area, as detailed in the attached Redevelopment Plan. These activities could be funded and/or financed in part through tax increment generated within the URA.

ASSIGNED TO COMMITTEE (PRESIDENT). _____