

**BILL NO. S-19-08-35**

**SPECIAL ORDINANCE NO. S-\_\_\_\_\_**

AN ORDINANCE approving ADDENDUM -  
INTERLOCAL AGREEMENT - DIEBOLD RD  
IMPROVEMENTS PHASE II -RESOLUTION #054A  
between BOARD OF COMMISSIONERS OF THE  
COUNTY OF ALLEN, INDIANA AND THE ALLEN  
COUNTY REDEVELOPMENT COMMISSION and the  
City of Fort Wayne, Indiana, in connection with the  
Board of Public Works.

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

**SECTION 1.** That the ADDENDUM - INTERLOCAL AGREEMENT -  
DIEBOLD RD IMPROVEMENTS PHASE II -RESOLUTION #054A by and between  
BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, INDIANA AND  
THE ALLEN COUNTY REDEVELOPMENT COMMISSION and the City of Fort  
Wayne, Indiana, in connection with the Board of Public Works, is hereby ratified,  
and affirmed and approved in all respects, respectfully for:

All labor, insurance, material, equipment, tools, power,  
transportation, miscellaneous equipment, etc., necessary for  
improvements to Diebold Rd from N Clinton St north to where  
phase I stopped construction;

involving a total cost of FOUR MILLION FIVE HUNDRED FIFTY-TWO  
THOUSAND NINE HUNDRED NINETY-TWO AND 00/100 DOLLARS  
(\$4,552,992.00) (Cum Cap funded with TIF repayment over time). A copy of said  
Addendum to the Interlocal Agreement – Diebold Road Improvements is on file  
with the Office of the City Clerk and made available for public inspection, according  
to law.

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

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
Carol Helton, City Attorney

ADDENDUM  
TO THE  
INTERLOCAL AGREEMENT  
BETWEEN  
THE BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN, INDIANA  
AND  
THE CITY OF FORT WAYNE, INDIANA  
CONCERNING  
DIEBOLD ROAD IMPROVEMENTS

THIS ADDENDUM, is made and entered into this 9<sup>th</sup> day of July, 2019, by and between the **Board of Commissioners of the County of Allen, Indiana** ("COUNTY"), the **City of Fort Wayne, Indiana**, by and through its **Board of Public Works** ("CITY"), and the **Allen County Redevelopment Commission** ("COMMISSION").

RECITALS:

WHEREAS, the COUNTY, the CITY, and the COMMISSION have entered into an Interlocal Agreement dated December 19, 2014, to jointly finance, develop, and construct improvements to Diebold Road from North Clinton Street to East Dupont Road ("PROJECT"); and

WHEREAS, the COMMISSION has created the Dupont Corner economic development area (the "Dupont Center EDA") for the purpose of funding the project through periodic payments through a tax incremental funding designation; and

WHEREAS, the COMMISSION has also created the Dupont Diebold Economic Development Area (the "Dupont Diebold EDA") for the purpose of assisting in the funding of the Project among other purposes; and

WHEREAS, realignment of the south section of Diebold Road and reconfiguration of its intersection with North Clinton has been proposed; and

WHEREAS, the parties are desirous to carry forward the proposed realignment and intersection, and so, to amend in part the project scope and budget necessary for plan development, right-of-way acquisition, and construction toward that end;

NOW, THEREFORE, in consideration of the foregoing Recitals and the mutual promises and covenants set forth in the Interlocal Agreement, the Parties hereto agree that:

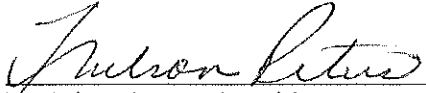
1. The table of "Estimated Project Costs" in Section 4 of the Interlocal Agreement shall be replaced with the updated table in Exhibit "A", entitled "Estimated Project Costs & Proposed Funding Split"; and
2. Section 9(b) shall be amended to read as follows:


The City and the County will be reimbursed for all costs for the Project paid by each hereunder with revenues generated by the Dupont Center EDA and the Dupont Diebold EDA. Such reimbursement payments shall be made on a pro rata basis to the City and the County on an annual basis from first available TIF Revenues from the Dupont Center EDA and available revenues from the Dupont Diebold EDA until the City and the County have been fully reimbursed for all funds paid by the City and the County hereunder. The use of the TIF Revenues from the Dupont Center EDA for any other purpose prior to the reimbursement in full of the City and the County shall require unanimous approval of the Board of Works of the City of Fort Wayne and the Board of Commissioners of the County of Allen, Indiana.

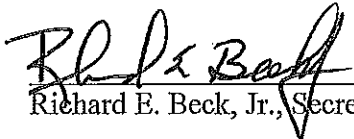
[Remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this Agreement as of the day and year first written above.

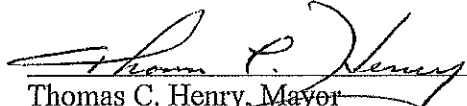
**BOARD OF COMMISSIONERS,  
COUNTY OF ALLEN, INDIANA**

  
F. Nelson Peters, President

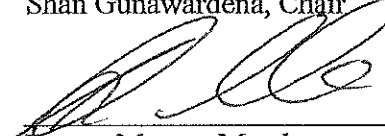
  
Therese M. Brown, Vice President


  
Richard E. Beck, Jr., Secretary

**MAYOR & THE BOARD OF  
PUBLIC WORKS, CITY OF FORT  
WAYNE, INDIANA**

  
Thomas C. Henry, Mayor

  
Shan Gunawardena, Chair

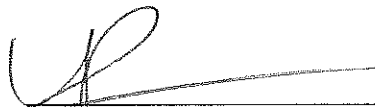
  
Kumar Menon, Member

  
Mike Avila, Member

Attest:

  
Chris Cloud, Deputy County Auditor

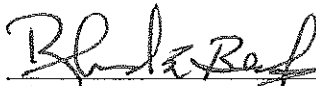
Attest:

  
Michelle Fulk-Vondran, Clerk

Date: 7-19-2019

Date: 7.9.19

**ALLEN COUNTY  
REDEVELOPMENT COMMISSION**

  
Richard E. Beck, Jr., President

# EXHIBIT "A"

## ESTIMATED PROJECT COSTS & PROPOSED FUNDING SPLIT

12/31/2018			Portion of TOTAL expended in North Phase
TOTAL (100%)	COUNTY SHARE (50%)	CITY SHARE (50%)	
A. Preliminary Engineering	\$639,915.00	\$319,957.50	\$264,644.92
B. Right-of-Way Acquisition	\$920,020.00	\$460,010.00	\$285,019.94
C. Utility Reimbursements	\$140,000.00	\$70,000.00	\$0.00
D. Construction Cost	\$4,650,000.00	\$2,325,000.00	\$1,247,277.49
TOTAL	\$6,349,935.00	\$3,174,967.50	\$1,796,942.35
Estimated costs shown above are subject to revision and adjustment as the Project progresses.			

## **DIGEST SHEET**

Department: Transportation Engineering

Resolution Number: #054A

Title of Ordinance: Diebold Rd Improvements Phase II – Interlocal Agreement

Amount of Contract:

Original contract amount to \$4,552,992 (Cum Cap funded with TIF repayment over time)

Description of Project (Be Specific):

Contract is between the City of Fort Wayne and the Board of Commissioners of the County of Allen for improvements to Diebold Rd from N Clinton St north to where phase I stopped construction.

What Are The Implications If Not Approved:

The failure of Diebold Rd to meet future traffic needs.

If Prior Approval Is Being Requested, Justify: N/A

Additional Comments: N/A