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2 **BILL NO. R-20-10-38**

3 **RESOLUTION NO. _____**
4

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

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

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

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

1 Avenue and north of Swinney Avenue in Fort Wayne, Indiana, legally described on
2 Exhibit B attached hereto (the “Project Real Estate”); and

3 WHEREAS, Developer programmed a public market as part of the
4 Electric Works West Campus development and agrees to establish a non-profit Public
5 Market Trust for the purpose of supporting the market and promoting various community
6 needs; and

7
8 WHEREAS, on September 10, 2018, the Commission entered into an
9 Economic Development Agreement with Developer which was terminated by the
10 Commission on August 3, 2020; and

11 WHEREAS, on October 12, 2020, the Commission entered into a new
12 Economic Development Agreement with Developer (“2020 EDA”) in order to stimulate
13 and induce the Project; and

14 WHEREAS, the Commission has determined that the completion of the
15 Project is in the best interests of the citizens and taxpayers of the City and, to stimulate
16 and induce the completion of the development of the Project, the Commission agreed in
17 the 2020 EDA, subject to further proceedings as required by law, to provide certain
18 economic development incentives in exchange for the development of the Project; and

19
20 WHEREAS, the City of Fort Wayne has established the City of Fort
21 Wayne Community Legacy Fund (“Legacy Fund”) to invest in projects that will have a
22 collective impact that leads to transformational change within the community; and

23
24 WHEREAS, the Fort Wayne Legacy Joint Funding Committee has found
25 that the Project will have a collective impact that leads to transformational change within
26 the City and determined that the Project is worthy of investment from the Legacy Fund;
27 and

1 WHEREAS, the Commission has requested the distribution of available
2 funds from the Legacy Fund in the amount of Ten Million and No/100 Dollars
3 (\$10,000,000.00) to be used in the provision of economic development incentives to the
4 Project as provided in the 2020 EDA ("Legacy Pledge"); and
5

6 WHEREAS, the Common Council has previously determined and hereby
7 confirms and ratifies that the completion of the Project is in the best interests of the
8 citizens and taxpayers of the City and desires to provide for the stimulation and
9 inducement of the Project through the pledge of available funds from the Legacy Fund,
10 as provided in this Resolution;

11 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON
12 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:
13

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

19 The Common Council does hereby confirm and ratify its appropriation
20 and pledge to the Commission the amount of Ten Million and No/100 Dollars
21 (\$10,000,000.00) to be used by the Commission to provide economic development
22 incentives to the Project, to be paid to the Commission no later than five (5) days prior to
23 the Fund Closing, as defined in and pursuant to the 2020 EDA.
24

25 The Common Council does hereby authorize the Board of Trustees of the
26 City of Fort Wayne Community Trust Fund to make the distribution set forth in Section 2
27 above.
28

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

Council Member

APPROVED AS TO FORM AND LEGALITY:

Carol Helton, City Attorney

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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 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 R 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 thereof recorded in Plat Record N, page 352 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 boundary line of Lots 29 and 30 in Edsall's Addition to the City of Fort Wayne, Indiana heretofore vacated by proceeds under Ge 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 by 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, page 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 ground 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.