

1 BILL NO. R-20-02-23

2  
3 RESOLUTION NO. \_\_\_\_\_

4  
5 A RESOLUTION OF THE  
6 COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,  
7 APPROVING AND AUTHORIZING THE EXECUTION OF AN  
8 INTERGOVERNMENTAL PROPERTY TRANSFER  
9 BETWEEN THE CITY OF FORT WAYNE AND  
10 THE CITY OF FORT WAYNE DEPARTMENT OF REDEVELOPMENT  
11 (THE LOFTS AT HEADWATERS PARK PROJECT)

12 WHEREAS, the City of Fort Wayne ("City") is the owner of certain real  
13 estate located in the City of Fort Wayne, Allen County, Indiana, which real estate City  
14 acquired through General Ordinance G-01-98, adopted by the Common Council of the  
15 City of Fort Wayne on January 13, 1998, the legal description of which is attached hereto  
16 as Exhibit A, and a depiction of which is attached here to as Exhibit B (the "Real  
17 Estate"); and

18 WHEREAS, the Fort Wayne Redevelopment Commission  
19 ("Commission") desires to acquire the Real Estate pursuant to IC 36-1-11-8 and IC 36-7-  
20 14-19 in support of a proposed mixed-use residential-commercial-parking lot  
21 redevelopment project on the Real Estate and on adjoining real estate to be known as The  
22 Lofts at Headwaters Park and the Common Council desires to approve and authorize the  
23 conveyance of the Real Estate to the Commission to facilitate said redevelopment  
24 project; and

25 WHEREAS, the Commission approved Resolution 2019-35 approving  
26 and authorizing the transfer of the Real Estate on October 14, 2019; and

27 WHEREAS, the Commission will assist the City as necessary to complete  
28 the conveyance of the Real Estate to the Commission;

1 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON  
2 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

3 1. The conveyance of the Real Estate described on attached Exhibit  
4 A from the City of Fort Wayne to the City of Fort Wayne, Indiana, Department of  
5 Redevelopment, acting by and through the Fort Wayne Redevelopment Commission, is  
6 hereby approved.

7  
8 2. The Mayor of the City of Fort Wayne, or his duly authorized  
9 appointee, is authorized on behalf of the City of Fort Wayne to execute all documents  
10 necessary to complete the conveyance.

11 3. This Resolution shall be effective upon adoption.  
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14 \_\_\_\_\_  
15 Council Member

16 APPROVED AS TO FORM AND LEGALITY:

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19 Carol Helton, City Attorney  
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**EXHIBIT A**

**Legal Description of the Real Estate**

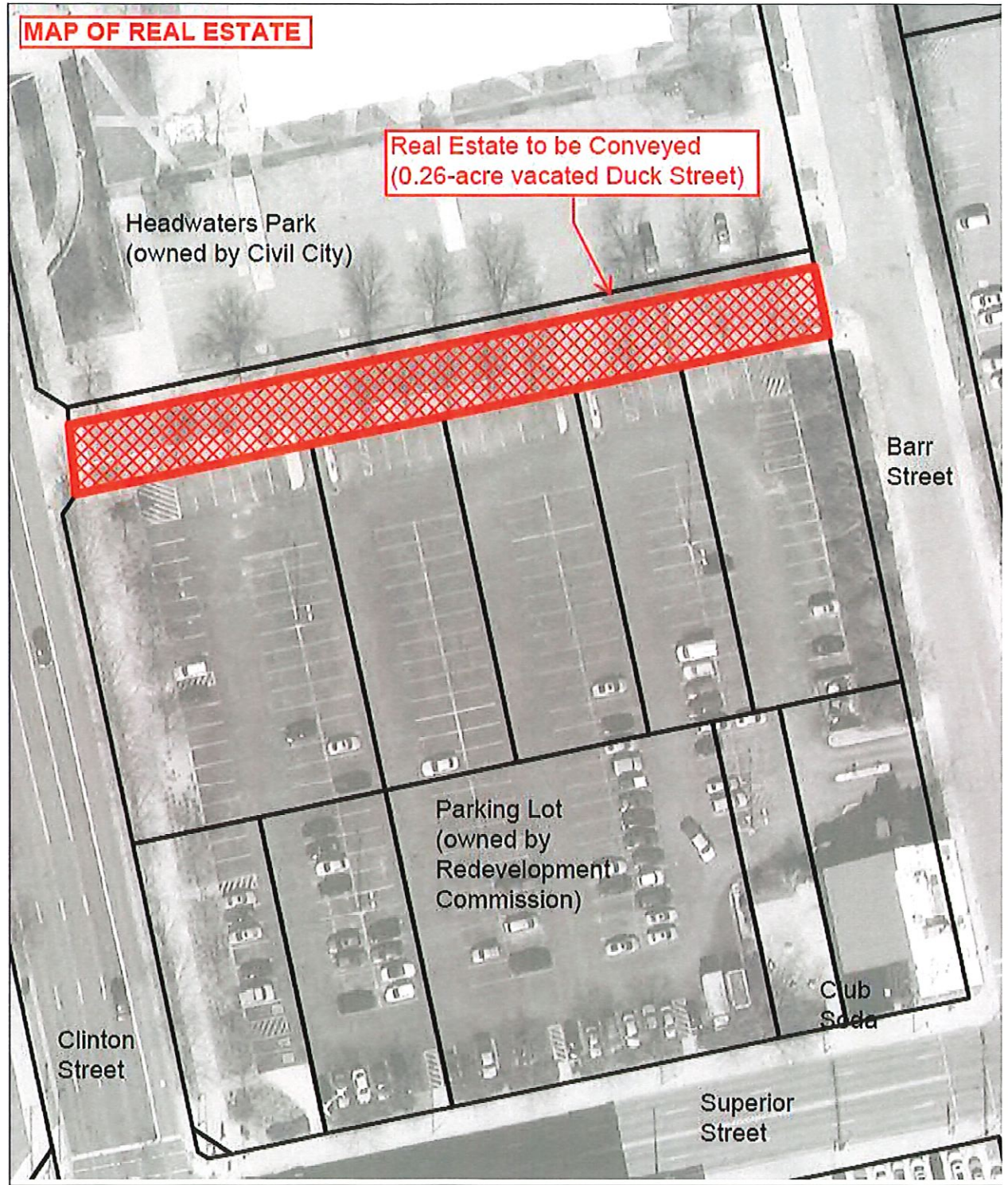
VACATED DUCK STREET BETWEEN CLINTON STREET AND BARR STREET

LESS AND EXCEPTING that portion conveyed to the Fort Wayne Board of Park Commissioners by Quit Claim Deed recorded December 29, 1999 as Instrument No. 990094251 and described as follows:

Beginning at the northeasterly corner of Lot Numbered 584 in Hanna's Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indianan; thence southwesterly, along the southerly right-of-way line of Duck Street, to the easterly right-of-way line of Clinton Street; thence northwesterly, along the easterly right-of-way line of Clinton Street, to the northerly right-of-way line of Duck Street; thence southeasterly and northeasterly, along the northerly right-of-way line of Duck Street, to the westerly right-of-way line of Barr Street; thence southeasterly, along the westerly right-of-way line of Barr Street, to the point of beginning of this description. Excepting the South 32 feet thereof.

EXHIBIT B

Depiction of the Real Estate



## **DIGEST SHEET**

**TITLE OF RESOLUTION.** A Resolution of the Common Council of the City of Fort Wayne, Indiana, approving and authorizing the execution of an intergovernmental property transfer between the City of Fort Wayne and the City of Fort Wayne Department of Redevelopment (The Lofts at Headwaters Park project)

**DEPARTMENT REQUESTING RESOLUTION.** Redevelopment Commission.

**SYNOPSIS OF RESOLUTION.** The footprint of the Lofts at Headwaters Park project extends north of the large Headwaters Park surface parking lot (the "Club Soda lot"), across former Duck Street to the south curb of the small parking lot adjacent to the south side of Headwaters Park Pavilion. Vacated Duck Street, which serves as an access drive to both parking lots, is owned by the City of Fort Wayne. This resolution authorizes the transfer of the Duck Street real estate from the City of Fort Wayne to the Department of Redevelopment.

**EFFECT OF PASSAGE.** Passage of the resolution will give the Department of Redevelopment site control over a piece of real estate needed to construct the project, thereby helping to ensure that all real estate needed to construct the project can be conveyed to the developer upon development closing.

Construction of the project will provide many benefits to the community, including (i) public parking in an area with an urgent need for additional parking spaces, (ii) substantial additions to the downtown housing and commercial market, which is an essential element of resident and business attraction, and (iii) annual property tax revenue generated by a type of development that typically has low per capita public service costs.

**EFFECT OF NON-PASSAGE.** This \$67.75 million investment will not move forward as proposed if the real estate is not transferred. Preservation of the Club Soda building, the inclusion of active ground floor uses, and the inclusion of a substantial parking facility are important project elements, but they are difficult or impossible to accommodate in an economical manner if the Duck Street real estate is not included in the project site.

**MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS).** There are no costs associated with this intergovernmental property transfer except for minor administrative costs.

**ASSIGNED TO COMMITTEE (PRESIDENT).** \_\_\_\_\_



## COMMUNITY DEVELOPMENT REDEVELOPMENT

Thomas C. Henry, Mayor

City of Fort Wayne  
Community Development  
200 East Berry Street, Suite 320  
Fort Wayne, IN 46802  
260-427-2150 [fwcommunitydevelopment.org](http://fwcommunitydevelopment.org)

February 20, 2020

### MEMO

**To:** City of Fort Wayne Common Council

**Copy:** City of Fort Wayne Redevelopment Commission

**From:** Nancy Townsend, Executive Director, 427-2323

**Re:** **Resolution approving an intergovernmental property transfer from the City of Fort Wayne to the Department of Redevelopment for an economic development project called the Lofts at Headwaters Park**

This memo requests Common Council approval of one of five resolutions that must be considered to support an economic development project called the Lofts at Headwaters Park to be undertaken in downtown Fort Wayne. The project, located at the northeast corner of Superior Street and Clinton Street, will consist of approximately 232 dwelling units, 12,000 square feet of ground floor commercial space, and 651 parking spaces at an investment of approximately \$67,750,000.

Enclosed herewith, please find a digest sheet, a resolution approving an intergovernmental transfer of real estate, and a legal description and depiction of the real estate.

The real estate to be transferred is Duck Street between Clinton and Barr Streets. Duck Street is proposed to be part of the Lofts at Headwaters Park site. In October 2019, the Commission approved the property transfer from the City of Fort Wayne to the Commission. It will be conveyed to the developer prior to construction.

As additional background, on February 10, 2020, the Commission approved an economic development agreement, a pledge of project-generated tax increment revenue and net parking revenue, a parking lease, and a remediation and indemnification agreement in furtherance of the project. The Common Council's approvals and appropriations are necessary due to the scope and complex nature of the project and site. The following resolutions encompass all anticipated Common Council actions that will be needed to support the project:

- Approval of a parking structure lease and appropriation of LIT revenues (the appropriation of LIT revenues is needed to cover shortfalls in annual rent)
- Appropriation of LIT revenues for construction of compensatory floodwater storage
- Appropriation of LIT revenues for soil remediation and removal
- Approval of a soil remediation and indemnification agreement
- Approval of an intergovernmental property transfer for Duck Street

With the exception of the resolution attached to this memo, the resolutions above will be delivered to the Council under separate cover.

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