

**RESOLUTION NO. 2022-10-13**

**RESOLUTION OF THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE, INDIANA, REGARDING PROPOSED WORKS OF IMPROVEMENT, PRELIMINARILY AUTHORIZING THE ISSUANCE OF PARK DISTRICT BONDS TO FINANCE SUCH PROPOSED WORKS AND OTHER RELATED MATTERS**

WHEREAS, the Board of Park Commissioners of the City of Fort Wayne, Indiana (the "Board"), on behalf of and for the benefit of the Park and Recreation District of the City of Fort Wayne, Indiana (the "District"), has determined that it will be of public utility and benefit to the property in the District to proceed with and undertake and carry out the acquisition, construction, installation and equipping of certain community park improvements, as more particularly described in Exhibit A attached hereto and made a part hereof, together with related expenses (collectively, the "Projects"), together with expenses incidental thereto, including all expenses permitted by Indiana Code 36-10-4-35 and all expenses incurred in connection with or on account of the issuance of the bonds therefor; and

WHEREAS, the Board finds that it will be necessary and in the best interest of the District and the property and inhabitants thereof to issue bonds of the District which shall be payable from the gross revenues of the District (the "Gross Revenues") and, to the extent that the Gross Revenues are insufficient for such purpose, from a special tax levied upon all of the taxable property in the District, in an aggregate principal amount not to exceed Eleven Million Five Hundred Thousand Dollars (\$11,500,000) (the "Bonds"), to procure funds to be applied to the cost of the acquisition, construction, installation and equipping of the Projects, together with expenses incidental thereto, including all expenses permitted by Indiana Code 36-10-4-35 and all expenses incurred in connection with or on account of the issuance of the Bonds therefor; and

WHEREAS, the Board reasonably expects to pay debt service on the Bonds from the Gross Revenues, and therefore the Projects are not "controlled projects" within the meaning of Indiana Code 6-1.1-20-1.1; and

WHEREAS, the improvements to be made as part of the Projects are to be made on real property previously acquired by the District, such real property more particularly described in project descriptions on file in the office of the Fort Wayne Department of Public Parks (the "Department"); and

WHEREAS, the Board has set a public hearing pursuant to Indiana Code 36-10-4-25 to receive comments from all persons interested in the proceedings and take final action to determine the public utility and benefit of the proposed Projects; and

WHEREAS, certain preliminary expenses related to the Projects have been or will be incurred by the District or on the District's behalf, prior to the issuance and delivery of the respective series of the Bonds; and

WHEREAS, the Board desires to express its intention to reimburse such expenditures as have been or may be incurred prior to the issuance of the Bonds, pursuant to Indiana Code 5-1-14-6 and in compliance with Section 1.150-2 of the U.S. Treasury Regulations promulgated by the Internal Revenue Service (the "Treasury Regulations");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PARK COMMISSIONERS OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

1. The Board hereby finds that the Projects are necessary, and it is the purpose of the Board to proceed with the Projects.

2. The Board hereby preliminarily authorizes the issuance of bonds of the District payable from the Gross Revenues and, to the extent that the Gross Revenues are insufficient for such purpose, from a special tax levied upon all of the taxable property in the District, in an

aggregate principal amount not to exceed Eleven Million Five Hundred Thousand Dollars (\$11,500,000), for the purpose of procuring funds to be applied to the cost of the acquisition, construction, installation, renovation and equipping of the Projects, together with expenses incidental thereto, including all expenses permitted by Indiana Code 36-10-4-35 and all expenses incurred in connection with or on account of the issuance of the Bonds therefor. The issuance of the Bonds shall be subject to the completion of all procedures required by law, including, without limitation, the approval of the Bonds by the Common Council of the City of Fort Wayne, Indiana.

3. The Board hereby directs that an engineer shall be selected, approved, or ratified by the Director of the Department and requires that such engineer shall prepare preliminary plans and specifications and an estimate of the cost of the Projects.

4. The Board hereby directs staff to file, and to make available for inspection at the administrative offices of the Department, a copy of this Resolution.

5. The Board hereby determines that on November 10, 2022, at 10:00 a.m., in Room 30 of Citizens Square, located at 200 East Berry Street, Fort Wayne, Indiana, the Board will hold a meeting for the purpose of conducting a public hearing pursuant to Indiana Code 36-10-4-25 to hear from persons interested in the proceedings related to the Projects, to hear all remonstrances that have been filed with respect to the Projects, and to determine the public utility and benefit of the Projects by confirming, modifying or rescinding this Resolution.

6. The Board hereby directs that notice of this Resolution and its contents and notice of such public hearings, be published, and otherwise provided in accordance with Indiana Code 5-3-1, Indiana Code 36-10-4-25, and Indiana Code 6-1.1-20-5(a). The Board further directs that notice of public hearing on the additional appropriation of the proceeds of the Bonds be published as provided in accordance with Indiana Code 5-3-1.

7. The Board hereby declares that it reasonably expects to reimburse with the proceeds of the Bonds expenditures for the Projects made by the District or on its behalf prior to the issuance of the Bonds during the period beginning on the date sixty (60) days prior to the date of this Resolution until the date of issuance of the Bonds, which expenditures are expected to be paid initially from other legally available funds of the District. The Board hereby declares that this Resolution is being adopted for purposes of evidencing compliance with Indiana Code 5-1-14-6 and Section 1.150-2 of the Treasury Regulations.

8. This Resolution shall be in full force and effect from and upon compliance with the procedures required by law.

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Adopted at a meeting of the Board of Park Commissioners of the City of Fort Wayne, Indiana, held on the **13th** day of **October, 2022.**

**BOARD OF PARK COMMISSIONERS OF  
THE CITY OF FORT WAYNE, INDIANA**

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**William Zielke, President**

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**Justin Shurley, Vice-President**

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**Cory Miller, Commissioner**

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**Rick Briley, Commissioner**

**ATTEST:**

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**Steve McDaniel, Director/Board Secretary**

## EXHIBIT A

### Description of Project

The Project consists of the construction, installation, and equipping of park improvements to Franke Park, including, without limitation, the construction of a new entrance to the park, the construction of a new pavilion at the park, the construction of trails at the park, and related infrastructure improvements.

More specifically, the Project is the first phase of a centennial master plan to restore and renovate Fort Wayne's largest park while also meeting the needs of today's citizens. This 2019 plan was created in preparation for the 100th anniversary of Franke Park in 2021. With statistically valid input from stakeholders (neighbors, BMX, mountain bikers, and users of the Children's Zoo, Foellinger Theatre, and Day Campers), 1,400 surveys, 4,000 unique project website visitors, and numerous open house guests, the Fort Wayne Parks Department created a multi-phase master plan. The resulting plan and components of Phase I include (a) a new entrance off of Goshen Avenue to accommodate vehicular and pedestrian access, which will lead to the highest and most prominent point in Franke Park, and (b) a state-of-the-art, year-round pavilion to be built of Franke Park to accommodate a growing urban density. The proposed multi-use pavilion will have a grand view of the park, will be the largest pavilion in the park system, and will expand recreational programs and rental capacity to 400+ people. Additional trails will also be added to provide connectivity and access to points of interest, with plans to continue in future phases. The current plan for the trail in Phase I is to connect neighborhoods on the south side of Goshen Avenue to the entire park and to the larger trail systems including the Pufferbelly trail, part of the Fort Wayne and downtown trail network. Fort Wayne Trails are also part of the regional trail network connecting Steuben County's Pokagon State Park to Wells County's Ouabache State Park. Called the Poka-Bache Trail, this 81-mile trail will travel through four counties and provide tourism and new visitors to the cultural offerings throughout the four-county network.