**ORDINANCE 16-1339**

AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA

COMMON COUNCIL AMENDING

ORDINANCE 16-1337

WHEREAS, on July 5th, 2016, the Common Council (“Council”) for the City of Woodburn, Indiana (“City”) passed Ordinance 16-1337, “An Ordinance of the City of Woodburn, Indiana, Common Council Regarding the Woodburn Plaza (“Plaza Ordinance”);

WHEREAS, Section 5 of the Plaza Ordinance specified the source of revenue for the Woodburn Plaza Fund (as defined therein) as coming from general property taxes;

WHEREAS, the Council wishes to clarify that while general property tax revenue may be used for the Woodburn Plaza Fund, that the source of revenue will primarily come from donations and other sources.

NOW, THEREFORE, the City of Woodburn, Indiana Common Council (“Council”) hereby resolves as follows:

1. Section 5 of the Plaza Ordinance is hereby amended and replaced entirely by the following:

Section 5. The City hereby establishes the “Woodburn Plaza Fund” for purposes of accounting for future maintenance and preservation obligations. Revenue to the fund may come from general property tax revenue, but shall primarily be funded by donations, insurance refunds that may result from damage to the Woodburn Plaza or property therein, or any other relevant revenue source dedicated to the maintenance and preservation of the Woodburn Plaza. The Woodburn Plaza Fund shall be perpetual. Any fund balance existing therein at the time of termination of the Woodburn Plaza Fund shall revert to the General Fund. The Woodburn Plaza Fund shall be administered in accordance with Indiana law, general rules, ordinances and policies of the City.

1. Except as specifically amended herein, all other specifications regarding the creation and use of the Woodburn Plaza Fund shall remain in full force and effect in the Plaza Ordinance.
2. No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Adopted and Resolved this 15th day of August, 2016.

AYES:­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NAYS:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ABSTENTIONS:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Daniel Watts, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mike Voirol, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dean Gerig, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Renner, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael Martin, Councilman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Timothy Cummins, Clerk-Treasurer

**WAIVER OF SECOND READING**

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived and the Ordinance was deemed effective as of the date of passage.

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Daniel Watts, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mike Voirol, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dean Gerig, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Renner, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael Martin, Councilman

ATTEST:

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Timothy Cummins, Clerk-Treasurer

The foregoing Ordinance passed by the Council is signed and approved ( ) / not approved ( ) by me on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Joseph Kelsey, Mayor of the City of Woodburn