

BILL NO. R-11-11-18

CONFIRMING RESOLUTION NO. R-_____

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-
12.1 for property commonly known as 1300 South
Clinton Street, Fort Wayne, Indiana 46802
(Lincoln National Life Insurance Company)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as "Exhibit A" as if a part herein; and

WHEREAS, said project will retain 1,983 full-time, permanent jobs for a current annual payroll of \$104,436,989, with the average current annual job salary being \$52,666; and

WHEREAS, the total estimated project cost is \$951,977; and

WHEREAS, a recommendation has been received from the Committee on Finance on said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

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

SECTION 1. That, the Resolution previously designating the above described property as an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall apply to a deduction of the assessed value of personal property for new information technology equipment.

SECTION 4. That, the estimate of the number of individuals that will be employed or whose employment will be retained and the estimate of the annual salaries of those individuals and the estimate of the value of the new information technology equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be

1 reasonably expected to result from the proposed described installation of the new information
2 technology equipment.

3 **SECTION 5.** The current year approximate tax rates for taxing units within the
4 City would be:

5 ... If the proposed new information technology equipment is not installed, the
6 approximate current year tax rates for this site would be \$3.1590/\$100.

7 ... If the proposed new information technology equipment is installed and no
8 deduction is granted, the approximate current year tax rate for the site would be
9 \$3.1590/\$100 (the change would be negligible).

10 ... If the proposed new information technology equipment is installed, and a
11 deduction percentage of eighty percent (80%) is assumed, the approximate
12 current year tax rate for the site would be \$3.1590/\$100 (the change would be
13 negligible).

14 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
15 from the assessed value of the new information technology equipment shall be for a period of
16 ten years.

17 **SECTION 7.** The benefits described in the Petitioner's Statement of Benefits can be
18 reasonably expected to result from the project and are sufficient to justify the applicable
19 deductions.

20 **SECTION 8.** For new information technology equipment, a deduction application
21 must contain a performance report showing the extent to which there has been compliance
22 with the Statement of Benefits form approved by the Fort Wayne Common Council at the
23 time of filing. This report must be submitted to the Allen County Auditor's Office, and the City
24 of Fort Wayne's Community Development Division and must be included with the deduction
25 application. For subsequent years, the performance report must be updated and submitted
26 along with the deduction application at the time of filing.

27 **SECTION 9.** The performance report must contain the following information

- 28 (a) The cost and description of real property improvements and/or new
29 information technology equipment acquired.
30 (b) The number of employees hired through the end of the preceding calendar year
as a result of the deduction.
(c) The total salaries of the employees hired through the end of the preceding
calendar year as a result of the deduction.
(d) The total number of employees employed at the facility receiving the deduction.
(e) The total assessed value of the real and/or personal property deductions.
(f) The tax savings resulting from the real and/or personal property being abated.

SECTION 10. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 11. That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3 or 4.5 of said chapter may be required to repay the deduction amount as determined by the county auditor in accordance with section 12 of said chapter if the property owner ceases operations at the facility for which the deduction was granted and if the Common Council finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operation at the facility.

SECTION 12. That, this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

EXHIBIT A

Real Estate

PARCEL 1:

Lots Numbered 52, 53 and 54 in Brackenridge's Addition to the City of Fort Wayne, Indiana, as per plat thereof recorded in Deed Record 38 page 170, in the Office of the Recorder of Allen County, Indiana.

Together with the vacated alley lying west of and adjacent to said lots.

Also together with an overhead walkway as set out and described proceedings under Declaratory Resolution 1402-75 adopted August 14, 1975 as set out in transcript recorded October 17, 1984 as Instrument Number 84-25309.

PARCEL 2:

Lots Numbered 84, 85, 86, 87, 88 and 89 in Brackenridge's Addition to the City of Fort Wayne, Indiana as per plat thereof recorded in Deed Record 38 page 170 in the Office of the Recorder of Allen County, Indiana.

Together with the vacated alley lying west of and adjacent to said lots and also together with the vacated alley lying west of and adjacent to said lots, and also together with the vacated alley lying north and adjacent to Lot 89.

PARCEL 3:

A parcel of land situated in the City of Fort Wayne, Allen County, Indiana bound by a line commencing at the point where the North boundary line of Brackenridge Street in said City intersects the East boundary line of Harrison Street in said City and running thence East on the North boundary line of said Brackenridge Street, a distance of 231.5 feet, more or less, to the West boundary line of the alley running North from said Brackenridge Street to Douglas Avenue, between Harrison and Calhoun Streets; thence North, along the West boundary line of said alley, a distance of 131 feet, more or less to the South boundary line of an alley running West to Harrison Street between Brackenridge Street and Douglas Avenue; thence West on the South boundary line of the alley last above described a distance of 231.5 feet, more or less to the East boundary line of said Harrison Street; thence South, on the East boundary line of said Harrison street a distance of 131 feet, more or less to the point of beginning.

PARCEL 4:

That part of the Northwest Quarter of the Northeast Quarter of Section 11, Township 30 North, Range 12 East, in the City of Fort Wayne, Allen County, Indiana, beginning at a point where the East line of Harrison Street intersects with and crosses the South line of Douglas Avenue; thence running South along the East line of Harrison Street, a distance of 134 feet to an alley; thence East, along the alley a distance of 231.5 feet to an alley; thence North and parallel with said Harrison Street to the South line of Douglas Avenue; thence West along the South line

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of Douglas Avenue to the point of beginning.

PARCEL 5:

That part of a vacated alley lying between Parcel 3 and Parcel 4.

PARCEL 6:

The East 46 feet of Lots 91, 92 and 93 in Hamilton's Third Addition to the City of Fort Wayne, Indiana, as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

PARCEL 7:

Part of the West 84 feet of Lots 91, 92 and 93 in Hamilton's Third Addition to the City of Fort Wayne as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 93; thence East on and along the North line of said Lot 93 a distance of 84 feet; thence South, a distance of 60 feet to the South line of said Lot 91; thence Northwesterly on the arc of a regular curve to the right having a radius of 172 feet, a distance of 105.34 feet to the point of beginning.

PARCEL 8:

Lots 94, 95, 96, 97, 98, 99, 100, and 101 and all that part of Lot 103 South of the centerline of the brick wall along the South line of said Lot; Lots 104, 105, 106, 107 and the North 19.5 feet of Lot 103 all in Hamilton's Third Addition to the City of Fort Wayne, Indiana, as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

Together with an overhead walkway described under Declaratory Resolution 1402-75 adopted August 14, 1975 as set out in transcript recorded October 17, 1984 as Instrument Number 84-25309.

PARCEL 9:

Part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the intersection of the South line of Montgomery Street, now Douglas Avenue, in the City of Fort Wayne, with the East line of an alley next East of and parallel with Calhoun Street in said City; thence South on the East line of said Alley, 160.71 feet, more or less to the center of a vacated alley lying South of Montgomery Street, now Douglas Avenue, and extending from Clinton Street West to the first alley East of Calhoun Street, said alley having been vacated by the Board of Public Works of the City of Fort Wayne, by Declaratory Resolution No. 401, adopted April 22, 1920, and confirmed May 13, 1920, running thence East along the centerline of said vacated alley 70 feet to a point; thence North and parallel to the East line of the first alley East of Calhoun Street 160.71 feet, more or less, to the South line of

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Montgomery Street, now Douglas Avenue in said City of Fort Wayne; thence West 70 feet to the place of beginning.

PARCEL 11:

The tract of land in the Northeast Quarter of the Northeast Quarter of Section 11, Township 30 North, Range 12 East, in the City of Fort Wayne, Allen County, described as follows, to-wit:

Commencing at the intersection of the South property line of Montgomery Street (now Douglas Street) and the West property line of Clinton Street, as said lines existed in 1925; thence West on said South property line of Montgomery Street (now Douglas Street) 159 feet, more or less, to the East line of the tract conveyed to Chester J. Nathan and S. Louis Wolf by deed recorded in Deed Record 290 page 210 of the Deed Records of Allen County, State of Indiana; thence South along said East property line 160.71 feet to the centerline of the vacated 14 foot alley between Montgomery (now Douglas) and Holman (now Brackenridge) Streets; thence East along said centerline of said vacated alley, 159 feet more or less to the west property line of Clinton Street as it existed in 1925; thence North along the said west property line of Clinton Street to the place of beginning.

PARCEL 12:

The vacated alley lying East of and adjacent to Lots Numbered 91 to 101, Inclusive and Lots Numbered 103 to 107 inclusive, in Hamilton's Third Addition to the City of Fort Wayne, Allen County, Indiana vacated under Declaratory Resolution 1401-1975.

PARCEL 13:

Lots Numbered 62, 63 and 64 in Brackenridge's Addition to the City of Fort Wayne, Allen County, Indiana as per plat thereof recorded in Plat Book 0, page 82, in the Office of the Recorder of Allen County, Indiana.

Together with that part of an alley lying south and adjacent to said Lots 62, 63, and 64 heretofore vacated by proceedings under General Ordinance G-25-85.

Also together with an overhead walkway as described in Declaratory Resolution Number 1423-76 adopted June 7, 1976 and confirmed July 29, 1976 by the Board of Public Works, recorded October 28, 1984 as Instrument Number 84-25847.

PARCEL 14:

Lot 7 and the East one-half of Lot 8 in Baker's Addition to the City of Fort Wayne, Indiana, as per plat thereof recorded in Deed Record 31 page 20 in the Office of the Recorder of Allen County, Indiana.

Together with the west half of a vacated alley lying east of and adjacent to said Lot 7.

Also together with the south half of a vacated alley lying north of and adjacent to said

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Lots 7 and 8.

PARCEL 15:

Lots Numbered 4, 5 and 6 in Baker's Addition to the City of Fort Wayne, Indiana as per plat thereof recorded in Deed Record 31, page 20 in the Office of the Recorder of Allen County, Indiana.

Together with the east half of vacated alley lying west of and adjacent to said Lots 4, 5 and 6.

PARCEL 16:

Lots Numbered 55, 56, 57, 58, 59, 60 and 61 in Brackenridge's Addition to the City of Fort Wayne, Indiana as per plat thereof recorded in Plat Book 0 page 82, in the Office of the Recorder of Allen County, Indiana.

Together with the east half of a vacated alley lying west of and adjacent to said Lots 55, 56, 57, 58, 59, 60 and 61.

Also together with an overhead walkway as described in Declaratory Resolution Number 1423-76 adopted June 7, 1976 and confirmed July 29, 1976 by the Board of Public Works, recorded October 28, 1984 as Document Number 84-25847.

PARCEL 17:

The East half of Lot Numbered 57 and all of Lots Numbered 58, 59, 60 and 61 in Hamilton's Second Addition to the City of Fort Wayne as per plat thereof recorded in Deed Record 31 page 176.

Together with the vacated alley between Lots 57 and 58.

Also together with that part vacated Railroad Street lying south and adjacent to said Lots heretofore vacated by proceedings under Declaratory Resolution Number 1251-1969.

PARCEL 18:

Part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 30 North, Range 12 East, Fort Wayne, Allen County, Indiana, described as follows:

Beginning at a point on the North line of vacated Railroad Street, 131.44 feet East of the East line of Calhoun Street; thence East along the North line of vacated Railroad Street, a distance of 237.56 feet to the West line of Clinton Street; thence South along the West line of Clinton Street, 144.65 feet; thence Westerly, at right angles to the last described course, 20.0 feet; thence Southerly, at right angles to the last described course, 10.5 feet (recorded as 12 feet) to the Northerly face of a concrete retaining wall; thence Westward along the North face of said retaining wall, following a curved course to the right to a point 133.03 feet East of the East line of Calhoun Street, measured along the North face of said retaining wall; thence North 128.4 feet

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to the point of beginning.

PARCEL 19:

The West Half of Lot Numbered 8 in Baker's Addition to the City of Fort Wayne, Indiana, as per plat thereof recorded in Deed Record 31 page 20, in the Office of the Recorder of Allen County, Indiana.

Together with the south half of vacated alley lying north of and adjacent to said Lot 8.

PARCEL 20:

Lots Numbered 65 and 66 in Brackenridge's Addition to the City of Fort Wayne, Indiana, as per plat thereof recorded in Deed Record 28, page 93 in the Office of the Recorder of Allen County, Indiana.

Together with the north half of vacated alley lying south of and adjacent to said lots 65 and 66.

PARCEL 21:

That part of Lot 11 in Baker's Addition to the City of Fort Wayne, Allen County, Indiana, as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana, being described as follows:

Beginning at the Northwest corner of said Lot 11; thence East along the North end of said Lot to the East side thereof; thence South along the East side of said Lot to the South end thereof; thence in a straight line in the Northwesterly direction to the point of beginning.

Together with the south half of a vacated alley lying north of and adjacent to said Lot 11.

PARCEL 22:

Lots 9 and 10 in Baker's Addition to the City of Fort Wayne, Allen County Indiana, as per plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

Together with the south half of a vacated alley lying north of and adjacent to said Lots 9 and 10.

PARCEL 23:

Lots 62 and 63 in the continuation of Hamilton's Second Addition to the City of Fort Wayne, as per plat thereof recorded in Deed Record 31 page 176, in the Office of the Recorder of Allen County, Indiana.

PARCEL 24:

The portion of that certain 10 foot north-south alley which is bounded on the west by Lot 62 of Brackenridge Addition to the City of Fort Wayne, by Lot 7 of Baker's Addition to the City

EXHIBIT A

of Fort Wayne, and which said alley is bounded on the east by Lots 55 through 61 inclusive, of Brackenridge Addition to the City of Fort Wayne, by Lots 4 through 6, inclusive, in Baker's Addition to the City of Fort Wayne (herein after referred to as north-south alley); and

THE PORTION OF THAT CERTAIN 10 FOOT EAST-WEST ALLEY WHICH IS BOUNDED ON THE NORTH BY LOTS 62 THROUGH 66, INCLUSIVE, OF BRACKENRIDGE ADDITION TO THE CITY OF FORT WAYNE, AND WHICH IS BOUNDED ON THE SOUTH BY LOTS 7 THROUGH 11 INCLUSIVE OF BAKER'S ADDITION TO THE CITY OF FORT WAYNE (HEREINAFTER REFERRED TO AS EAST-WEST ALLEY).