

BILL NO. R-11-11-20

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 4041
Parnell Avenue, Fort Wayne, Indiana 46805
(David M. Allen D.D.S. and Associates, P.C. dba
Afdent Dental)**

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 create 10 full-time and two part-time, permanent jobs for a total new, annual payroll of \$450,000, with the average new annual job salary being \$37,500 and retain 78 full-time and nine part-time, permanent jobs for a current annual payroll of \$3,950,000, with the average current annual job salary being \$45,402; and

WHEREAS, the total estimated project cost is \$601,682; 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

1
2 individuals and the estimate of the value of the new information technology equipment, all
3 contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be
4 reasonably expected to result from the proposed described installation of the new information
5 technology equipment.

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

8 (a) If the proposed new information technology equipment is not installed, the
9 approximate current year tax rates for this site would be \$3.0384/\$100.

10 (b) If the proposed new information technology equipment is installed and no
11 deduction is granted, the approximate current year tax rate for the site would be
12 \$3.0384/\$100 (the change would be negligible).

13 (c) If the proposed new information technology equipment is installed, and a
14 deduction percentage of eighty percent (80%) is assumed, the approximate
15 current year tax rate for the site would be \$3.0384/\$100 (the change would be
16 negligible).

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

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

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

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

(a) The cost and description of real property improvements and/or new
information technology equipment acquired.

(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
Carol Helton, City Attorney
by LES

EXHIBIT "A"

The land referred to in this commitment/policy is situated in the State of Indiana, County of Allen and is described as follows:

Part of the Northwest Quarter of Section 25, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at a point on the centerline of Parnell Avenue, said point being 21.15 feet North and 9 feet West of the center of Section 25, Township 31 North, Range 12 East, Allen County, Indiana; thence North 1122.4 feet along the centerline of Parnell Avenue; thence West with a deflection angle to the left of 86 degrees, 45 minutes, 30 seconds; a distance of 45.0 feet to the true point of beginning; thence North along the West right-of-way line of Parnell Avenue, a distance of 342.1 feet; thence West with a deflection angle to the left of 89 degrees, 09 minutes, 10 seconds (90 degrees, 00 minutes deed), along the South right-of-way line of Memorial Way, a distance of 60.0 feet; thence Westerly with a deflection angle to the right of 08 degrees, 06 minutes, 30 seconds (08 degrees, 08 minutes deed), along said South right-of-way line, a distance of 106.07 feet; thence West with a deflection angle to the left of 08 degrees, 06 minutes, 30 seconds (08 degrees, 08 minutes deed), along said South right-of-way line, a distance of 65.0 feet; thence Westerly on a curve to the left having a radius of 125.0 feet and along the South right-of-way line of Memorial Way, a distance of 9.65 feet; thence South and parallel to the West right-of-way line of Parnell Avenue, a distance of 274.70 feet; thence West with a deflection angle to the right of 90 degrees, 00 minutes, a distance of 15.0 feet; thence South with a deflection angle to the left of 90 degrees, 00 minutes and parallel to the West right-of-way line of Parnell Avenue, a distance of 71.0 feet; thence Easterly with a deflection angle to the left of 86 degrees, 45 minutes, 30 seconds, a distance of 255.0 feet to the point of beginning, containing 1.92 acres.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This is to confirm the designation of an Economic Revitalization Area for David M. Allen D.D.S. and Associates, P.C. dba Afdent Dental for personal property improvements in the amount of \$601,682. Afdent Dental will purchase and install new information technology equipment.**

EFFECT OF PASSAGE: **In order to remain competitive, Afdent Dental will install new information technology equipment. The new information technology equipment is more energy efficient which will provide additional savings to the company. Ten full-time and two part-time jobs will be created as a result of the project.**

EFFECT OF NON-PASSAGE: **Potential loss of development and ten full-time and two part-time jobs**

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): **No expenditures of public funds required.**

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Thomas E. Smith and Elizabeth M. Brown**