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4 **A CONFIRMING RESOLUTION designating an**
5 **"Economic Revitalization Area" under I.C. 6-1.1-12.1 for**
6 **property commonly known as various addresses in**
7 **Wayne Township, Fort Wayne, Indiana 46803 (Pontiac**
8 **Square Phase I Limited Partnership)**

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

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

14 **WHEREAS**, said project will create one full-time and one part-time, permanent jobs
15 for a total additional payroll of \$62,000, with the average new annual job salary being
16 \$31,000; and

17 **WHEREAS**, the total estimated project cost is \$19,017,730; and

18 **WHEREAS**, a recommendation has been received from the Committee on Finance;
19 and

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

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

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

27 **SECTION 2.** That, the hereinabove described property is hereby declared an
28 "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the
29 effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise
30 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 real
estate.

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 redevelopment or rehabilitation, all contained in

1 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
2 expected to result from the proposed described redevelopment or rehabilitation.

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

5 ... If the proposed development does not occur, the approximate current year tax
6 rates for this site would be \$3.1590/\$100.

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

10 ... If the proposed development occurs, and a deduction percentage of fifty percent
11 (50%) is assumed, the approximate current year tax rate for the site would be
12 \$3.1590/\$100 (the change would be negligible).

13 **SECTION 6.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
14 from the assessed value of the real property shall be for a period of ten years.

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

18 **SECTION 8.** For real property, a deduction application must contain a performance
19 report showing the extent to which there has been compliance with the Statement of Benefits
20 form approved by the Fort Wayne Common Council at the time of filing. This report must be
21 submitted to the Allen County Auditor's Office, and the City of Fort Wayne's Community
22 Development Division and must be included with the deduction application. For subsequent
23 years, the performance report must be updated each year in which the deduction is
24 applicable at the same time the property owner is required to file a personal property tax
25 return in the taxing district in which the property for which the deduction was granted is
26 located. If the taxpayer does not file a personal property tax return in the taxing district in
27 which the property is located, the information must be provided by May 15.

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

- 29 . The cost and description of real property improvements.
- 30 . The number of employees hired through the end of the preceding calendar year
as a result of the deduction.
- . The total salaries of the employees hired through the end of the preceding
calendar year as a result of the deduction.
- . The total number of employees employed at the facility receiving the deduction.
- . The total assessed value of the real property deductions.
- . The tax savings resulting from the real property being abated.

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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 this 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 A LEGALITY

Carol Helton, City Attorney

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 Pontiac Square Phase I Limited Partnership for real property improvements in the amount of \$19,017,730. Pontiac Square Phase I Limited Partnership will construct 77 units of mixed-income multi-family rental housing in the Renaissance Pointe and Oxford neighborhoods. The project also includes the renovation of the former Coca Cola bottling plant on Pontiac Street.**

EFFECT OF PASSAGE: **Pontiac Square Phase I Limited Partnership will be constructing new housing units in the Renaissance Pointe and Oxford neighborhoods which have seen disinvestment and a loss of original housing stock. New units will be built on vacant lots which aid in the redevelopment of these neighborhoods and offering individuals and families with new choices in housing.**

EFFECT OF NON-PASSAGE: **Potential loss of development**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Mitch Harper and John Shoaff**

EXHIBIT A

**The List of the Real Property in the Community Builders Identified
Development Parcels**

10/19/2011

Address	PIN number
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Parcel 1

1601 E Pontiac Street	02-12-12-481-018.000-074
1602 E Pontiac Street	02-12-13-228-001.000-074
1631 E Pontiac Street	02-12-12-481-017.000-074

Parcel 2

2527 Winter Street	02-12-12-481-005.000-074
2529 Winter Street (N of)	02-12-12-481-006.000-074
2529 Winter Street	02-12-12-481-008.000-074
2535 Winter Street	02-12-12-481-009.000-074
2520 Lillie Street	02-12-12-481-016.000-074
2518 Lillie Street	02-12-12-481-015.000-074
2516 Lillie Street	02-12-12-481-014.000-074
2512 Lillie Street	02-12-12-481-013.000-074
2510 Lillie Street	02-12-12-481-012.000-074

Parcel 3

1501 E Pontiac Street	02-12-12-480-025.000-074
1505 E Pontiac Street	02-12-12-480-026.000-074
1511 E Pontiac Street	02-12-12-480-027.000-074
1515 E Pontiac Street	02-12-12-480-028.000-074

Parcel 4

1502 E Pontiac Street	02-12-13-227-001.000-074
1506 E Pontiac Street	02-12-13-227-002.000-074
1512 E Pontiac Street	02-12-13-227-003.000-074
1516 E Pontiac Street	02-12-13-227-004.000-074
1518 E Pontiac Street	02-12-13-227-005.000-074
1522 E Pontiac Street	02-12-13-227-006.000-074
2714 Winter Street	02-12-13-227-035.000-074
2711 Reed Street	02-12-13-227-008.000-074

Parcel 5

2528 Winter Street	02-12-12-480-031.000-074
2530 Winter Street	02-12-12-480-032.000-074
2536 Winter Street	02-12-12-480-033.000-074
2538 Winter Street	02-12-12-480-034.000-074
2540 Winter Street	02-12-12-480-035.000-074

Parcel 6

1714 E Pontiac Street	02-12-13-229-001.000-074
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EXHIBITA

Pontiac Square

Primary Development Plan Application – Parcel Boundary Descriptions

1601 & 1631 East Pontiac Street (Parcel 1)

Out lot 42 Lillie's Addition

Beginning at the South East corner of section 12 Wayne Township, Allen County, Indiana, West 348.00' along the South line of section 12. North 25' to the North R/W line of Pontiac and the west R/W line of Lillie and the POB. Thence, North 376.6' Along the East line of out lot 42 Lillie's Addition. Thence west 287.00' Along the North line of Out lot 42 Lillie's Addition to the East R/W line of Winter Street, Thence South 373.6' Along the West line of Out lot 42 Lillie's Addition to the North R/W Line of Pontiac Street. Thence East, 287.00', along the North R/W Line of Pontiac Street. to the POB .

Deed Book 52 Page 368, Office of Allen County Recorder)

2527, 2529 (N OF), 2529, 2535 Winter St and 2510, 2512, 2516, 2518, 2520 Lillie St (Parcel 2)

Lot #2 & #3 Winters Addition

Lot # 34, 35, 36, 37 & 38 Raus Sub Addition

S 16 Ft. of Lot 32 Raus Sub Addition

Beginning at the South East corner of Section 12 Wayne Township, Allen County, Indiana, West 348.00' along the South line of Section 12 . North 25' to the North R/W line of Pontiac and the west R/W line of Lillie. Thence, North 285.6' to the South East corner of lot 38 Raus Sub Add. And the POB, Thence North 159.34' to a point that is Known as the S 16' of Lot# 32 Raus Sub Add. Thence west 284.00' to the East R/W line of Winter and the NW corner of lot #2 Winters Add. Thence south along the East R/W line of Winter 158.5' to the South West corner of Lot# 37 Raus Sub Add. Thence East along the North R/W of an East /West Alley 284' to the POB

Plat Book 5A Page 19, Office of Allen County Recorder

Deed Book 95, pg. 114, Office of Allen County Recorder

1501, 1505, 1511, & 1515 E. Pontiac Street (Parcel 3)

Lots # 15, 16, 17, 18 Winters Addition

Beginning at the South East corner of section 12 Wayne Township , Allen County, Indiana, West 951.50' along the South line of section 12 . North 25' to the North R/W line of Pontiac and the East R/W line of Reed Street. And the POB Thence, North 100.00'.To the North West corner of Lot 18 Winters Add., Thence east 127.1' to the North East Corner of Lot 15 Winters Add. Thence south 100 to the South East corner of Lot 15 Winters Add. Thence West 127.1' along the North R/W of Pontiac Street to the POB

Plat Book 5A Page 19, Office of Allen County Recorder)

EXHIBIT A

1502, 1506, 1512, 1516, 1518, 1522, 1526 E. Pontiac Street; 2711 Reed Street; and 2714 Winter Street (Parcel 4)

Lots # 1, 2, 3, 4, 5, 6, 7 Nirdlingers Sub Addition

Beginning at the South East corner of section 12 Wayne Township , Allen County, Indiana, West 951.50' along the South line of section 12 . Thence south 25' to the South R/W line of Pontiac and the East R/W line of Reed Street. and the POB,

Thence, south 135.00' along the East R/W of Reed Street to the South West corner of Lot #7 Nirdlingers Sub Addition, Thence East 270.00' Along the North R/W of an East West Alley to the South East corner of Lot #1 Nirdlingers Sub Addition.

Thence North 135.00' to the North East corner of Lot #1 Nirdlingers Sub Addition, Thence West 270.00' Along the South R/W of Pontiac Street to the POB
Plat Book 4A Page 21 , Office of Allen County Recorder

2528, 2530, 2536, 2538, 2540 Winter Street (Parcel 5)

Lot # 8, 9, 10, 11, and 12 Winters Addition

Beginning at the Northeast Corner of Lot 8, Winter Addition as recorded in Plat Book 5A, Page 19 of the Allen County Recorder's Office; thence south on the east lines of said Lots 8 through 12 of said addition to the Southeast Corner of Lot 12; thence west on the south line of said Lot 12 to the Southwest Corner thereof; thence north on the west lines of said Lots 8 through 12 to the Northwest Corner of said Lot 8; thence east on the north line of Lot 8 to the Point of Beginning.

1714 E. Pontiac Street (Parcel 6)

Lot's 13 and 14, H. M. Zaunner's Sub of Hough's Out Lot

Beginning at the South East corner of section 12 Wayne Township , Allen County, Indiana, West 308.00' along the South line of section 12 . South 25' to the South R/W line of Pontiac and the East R/W line of Lillie and the POB.. Thence East 140.00' to the North East corner of Lot 14, H. M. Zaunner's Sub of Hough's Out Lot. Thence South 88.00' along the west R/W line of an North / South Alley to the SE Corner of Lot 13, H. M. Zaunner's Sub of Hough's Out Lot , Thence West 140.00' to the South West corner of Lot 13 H. M. Zaunner's Sub of Hough's Out Lot. Thence North 88.00' to the North West corner of Lot 14, H. M. Zaunner's Sub of Hough's Out Lot and the POB
Plat Book 2B Page 54 , Office of Allen County Recorder