BILL NO. R-12-02-15

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 530 Wolfe Drive, Fort Wayne, Indiana 46825 (Anthony Wayne Vending Company, Inc.)

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 three full-time, permanent jobs for a total additional payroll of $84,500, with the average new annual job salary being $28,167 and retain 29 full-time and two part-time, permanent jobs for a current annual payroll of $813,500, with the average current annual job salary being $27,117; and

WHEREAS, the total estimated project cost is $200,000; and

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

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

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

- If the proposed development does not occur, the approximate current year tax rates for this site would be $3.0384/$100.
- If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be $3.0384/$100 (the change would be negligible).
- If the proposed development occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for the site would be $3.0384/$100 (the change would be negligible).

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

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

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

SECTION 9. The performance report must contain the following information

- The cost and description of real property improvements.
- 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.

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

EXHIBIT A

A PART OF THE SOUTHWEST QUARTER (1/4) OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 186.5 FEET OF THE NORTH 479.0 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST IN ALLEN COUNTY, INDIANA, TOGETHER WITH THE WEST 38.5 FEET OF THE NORTH 479.0 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA, CONTAINING 2.49 ACRES OF LAND, MORE OR LESS.

EXCEPT:

PART OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, IN ALLEN COUNTY, INDIANA; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST, A DISTANCE OF 38.5 FEET TO A POINT; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST 1/4, SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST A DISTANCE OF 247.4 FEET TO A POINT; THENCE WEST AND PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST 1/4, SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST A DISTANCE OF 225 FEET TO A POINT; THENCE NORTH AND PARALLEL TO THE EAST LINE OF THE WEST 1/2 OF THE SOUTHWEST 1/4 SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST A DISTANCE OF 247.4 FEET TO A POINT IN THE NORTH LINE OF THE SOUTHWEST 1/4, SECTION 23, TOWNSHIP 31 NORTH, RANGE 12 EAST; THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF 186.5 FEET TO THE POINT OF BEGINNING, CONTAINING 1.28 ACRES, MORE OR LESS.

Parcel No.: 02-07-23-302-005.000-073

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 Anthony Wayne Vending Company, Inc. for real property improvements in the amount of $200,000. Anthony Wayne Vending Company, Inc. will construct an 11,250 square foot building adjacent to its existing facility.**

EFFECT OF PASSAGE: **In order to grow its operations, Anthony Wayne Vending Company, Inc. will be constructing a new building on property formerly owned by Fort Wayne Foundry which shut down its operations in 2009. Three full-time jobs will be created as a result of the project.**

EFFECT OF NON-PASSAGE: **Potential loss of development and three full-time jobs**

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

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