

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-
12.1 for property commonly known as 2100 West
State Boulevard, Fort Wayne, Indiana 46808
(Dana Light Axle Products, LLC)**

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 five full-time, permanent jobs for a total new, annual payroll of \$197,600, with the average new annual job salary being \$39,520 and retain 425 full-time, permanent jobs for a current annual payroll of \$19,558,364, with the average current annual job salary being \$46,020; and

WHEREAS, the total estimated project cost is \$4,200,000; 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 manufacturing 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 manufacturing equipment, all contained

1 in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
2 expected to result from the proposed described installation of the new manufacturing
3 equipment.

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

6 ... If the proposed new manufacturing equipment is not installed, the approximate
7 current year tax rates for this site would be \$3.1537/\$100.

8 ... If the proposed new manufacturing equipment is installed and no deduction is
9 granted, the approximate current year tax rate for the site would be
10 \$3.1537/\$100 (the change would be negligible).

11 ... If the proposed new manufacturing equipment is installed, and a deduction
12 percentage of eighty percent (80%) is assumed, the approximate current year
13 tax rate for the site would be \$3.1537/\$100 (the change would be 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 manufacturing equipment shall be for a period of ten
16 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 manufacturing equipment, a deduction application must
21 contain a performance report showing the extent to which there has been compliance with
22 the Statement of Benefits form approved by the Fort Wayne Common Council at the time of
23 filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort
24 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 manufacturing 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

Dana Light Axle Products LLC
2100 West State Blvd
Fort Wayne, Indiana 46808

— EXHIBIT A —

Parcel I:

The parcels described in Deed Record 384, page 472, Deed Record 384, pages 603-604, Deed Record 406, pages 292-293, together with Lots 1 through 6, inclusive in Poinsett Park Addition (recorded in Plat Book 10, pages 72-73), together with Lots 1 through 44, inclusive in Cambridge Hills Addition (recorded in Plat Book 13, page 61), all as recorded in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Southeast Corner of Lot 2 in Poinsett Park Addition, said corner being on the Northerly, 50 foot right-of-way line of West State Boulevard; thence Westerly along said Northerly right-of-way line, a distance of 1,195.52 feet to the Easterly, 60 foot wide transmission right-of-way of Indiana & Michigan Electric Co. (formerly Indiana Service Corporation); thence Northwesterly along said transmission right-of-way, a distance of 282.70 feet to the West line of the Northwest Quarter of Section 34, Township 31 North, Range 12 East, Allen County, Indiana; thence continuing Northwesterly along the Easterly line of said transmission right-of-way, a distance of 2413.8 feet to the North line of the Northeast Quarter of Section 33, Township 31 North, Range 12 East; thence Easterly along the North line of said Northeast Quarter, a distance of 404.7 feet to the Northeast corner of said Section 33, said corner also being the Northwest corner of the Northwest Quarter of said Section 34; thence continuing Easterly along the North line of said Northwest Quarter, a distance of 1063.59 feet to the Northwest corner of the plat of said Cambridge Hills Addition, said corner also being the Northeast corner of the parcel described in Deed Record 384, page 472; thence Southerly along the West line of said Cambridge Hills Addition, said West line also being the East line of the parcel described in Deed Record 384, page 472, a distance of 40 feet to the Northwest corner of Lot 1 in said Cambridge Hills Addition; thence Easterly along the North line of said Lot 1, a distance of 107 feet to the Northeast corner of said Lot 1; thence Southerly along the East lines of Lots 1 through 13, inclusive, in said Cambridge Hills Addition, a distance of 655.28 feet to the Southeast corner of said Lot 13; thence Westerly along the South line of said Lot 13, a distance of 107.68 feet to the Southwest corner of said Lot 13; thence Southerly along the West line of said Cambridge Hills Addition, a distance of 50 feet to the Northwest Corner of Lot 14 in said Cambridge Hills Addition; thence Easterly along the North line of said Lot 14, a distance of 107.74 feet to the Northeast corner of said Lot 14; thence Southerly along the East lines of Lots 14 through 24 inclusive, in said Cambridge Hills Addition, a distance of 570 feet to the Southeast corner of said Lot 24; thence Westerly along the South line of said Lot 24, a distance of 108.4 feet to the Southwest corner of said Lot 24; thence Southerly along the West line of said Cambridge Hills Addition, a distance of 60 feet to the Northwest corner of Lot 25 in said Cambridge Hills Addition; thence Easterly along the North line of said Lot 25, a distance of 108.47 feet to the Northeast corner of said Lot 25; thence Southerly along the East lines of Lots 25 through 41, inclusive, in said Cambridge Hills Addition, a distance of 878 feet to the Southeast corner of said Lot 41; thence Southeasterly, along the east lines of Lots 42, 43, and 44, along a curve to the left, as shown on said plat of Cambridge Hills Addition, a distance of 155.3 feet to the Southeast corner of said Lot 44, said corner being the Northeast corner of Lot 6 in said Poinsett Park Addition; thence Southeasterly, along the East lines of Lots 6 through 2, inclusive, along a curve to the left, as shown on the plat of said Poinsett Park Addition, a distance of 271.91 feet to the Southeast corner of said Lot 2 and the Point of Beginning.

Parcel II:

Lots 78 through 101, inclusive, in Cambridge Hills Addition (recorded in Plat Book 13, page 61 in the Office of the Recorder of Allen County, Indiana), more particularly described as follows:

EXHIBIT A

Beginning at the Southwest corner of Lot 78 in said Cambridge Hills Addition; thence Northerly along the West lines of Lots 78 through 90, inclusive, in said Addition, a distance 657 feet to the Northwest corner of said Lot 90; thence Easterly and Southeasterly, along the Northerly lines of Lots 90 and 91, along a curve to the right, having a radius of 300 feet, an arc length of 232 feet to the Northeast corner of said Lot 91; thence Southerly along the East lines of Lots 91 through 101, inclusive, in said Addition, a distance of 566 feet to the Southeast corner of said Lot 101; thence Westerly, along the South line of said Lot 101, a distance of 118 feet to the Southwest corner of said Lot 101, said corner also being the Northeast corner of Lot 78 in said Addition; thence Southerly, along the East line of said Lot 78, a distance of 50 feet to the southeast corner of said Lot 78; thence Westerly along the south line of said Lot 78, a distance of 110 feet to the Point of the Beginning.

Parcel III:

Lots 126, 127, 128, 133 and 134, together with all of Tillie Avenue lying East of Lots 126, 128, and 133 as vacated by Declaratory Resolution 864-52 and recorded in Plat Book 19, page 162, together with all of vacated Rosemont Drive (Declaratory Resolution 864-52) lying South of Lots 127 and 128, except that portion of vacated Rosemont Drive which lies South of the West 60 feet of Lot 127 and North of the West 60 of Lot 133, as sold off in Deed Record 305, page 592, and excepting the West 60 feet of Lots 127, 133 and 134, sold off by Deed Record 305, page 592, and excepting that part of the vacated Tillie Avenue and Lots 126 and 127 sold off for street widening in Deed Record 641, page 583, all lying in the Plat of Eureka Park Addition (recorded in Plat Book 4, page 54, in the Office of the Recorder of Allen County, Indiana) more particularly described as follows:

Beginning at the Southeast corner of Lot 134 in said Eureka Park Addition; thence Westerly along the South line of said Lot 134, distance of 150.37 feet to the Easterly line of the parcel described in Deed Record 305, page 592; thence Northwesterly, along said Easterly line, a distance of 604.57 feet to the southerly right-of-way line of West State Boulevard and the Southwest corner of the parcel described in Deed Record 641, page 583; thence Easterly, along the Southerly right-of-way line, a distance of 340.14 feet to a point on the West line of Lot 125 in said Eureka Park Addition; thence Southerly along the West lines of Lots 125, 129, and 132 in said Eureka Park Addition, a distance of 451.6 feet to the Southwest Corner of Lot 132 in said Addition; thence Westerly, a distance of 50 feet to the Northeast corner of Lot 134 in said Addition; thence Southerly along the East line of said Lot 134 a distance of 136.6 feet to the Point of Beginning.

Being a portion of the property conveyed to Dana Transmissions, Inc., a Delaware corporation by General Warranty Deed dated October 13, 1999, and recorded as Instrument Number 990077849 in the Office of the Recorder of Allen County, Indiana.

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 Dana Light Axle Products, LLC for personal property improvements in the amount of \$4,200,000. Dana Light Axle Products, LLC will purchase and install new manufacturing equipment.**

EFFECT OF PASSAGE: **Dana Light Axle Products, LLC will purchase and install new manufacturing equipment in order to remain competitive within its industry. Five full-time jobs will be created as a result of the project. In addition, 425 full-time jobs will be retained.**

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