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4 **A CONFIRMING RESOLUTION designating an**
5 **"Economic Revitalization Area" under I.C. 6-1.1-**
6 **12.1 for property commonly known as 3810**
7 **Fourier Drive, Fort Wayne, Indiana 46818 (CNC**
8 **Industries, Inc.)**

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 three full-time, permanent jobs for a total new,
15 annual payroll of \$102,960, with the average new annual job salary being \$34,320 and retain
16 45 full-time, permanent jobs for a current annual payroll of \$1,646,020, with the average
17 current annual job salary being \$36,578; and

18 **WHEREAS**, the total estimated project cost is \$220,000; and

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

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

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

26 **SECTION 1.** That, the Council hereby adopts a waiver of non-compliance with
27 I.C. 6-1.1-12.1 regarding the failure to designate an area an economic revitalization area
28 before the initiation of development for which CNC Industries, Inc. desires to claim an
29 economic revitalization area deduction. Such waiver shall be in effect for personal property
30 improvements during the period of January 1, 2012 through the date of this resolution and is
granted through the authority of I.C. 6-1.1-12.1-9.5; I.C. 6-1.1-12.1-11.3; I.C. 6-1.1-31-1 and
50 I.A.C. 10-4-1(a)(2) and (3).

SECTION 2. That, the Resolution previously designating the above described
property as an "Economic Revitalization Area" is confirmed in all respects.

SECTION 3. 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

1 effective date of this Resolution and shall terminate on December 31, 2011, unless otherwise
2 automatically extended in five year increments per I.C. 6-1.1-12.1-9.

3 **SECTION 4.** That, said designation of the hereinabove described property as an
4 "Economic Revitalization Area" shall apply to a deduction of the assessed value of personal
5 property for new manufacturing equipment.

6 **SECTION 5.** That, the estimate of the number of individuals that will be employed
7 or whose employment will be retained and the estimate of the annual salaries of those
8 individuals and the estimate of the value of the new manufacturing equipment, all contained
9 in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
10 expected to result from the proposed described installation of the new manufacturing
11 equipment.

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

14 ... If the proposed new manufacturing equipment is not installed, the approximate
15 current year tax rates for this site would be \$3.0261/\$100.

16 ... If the proposed new manufacturing equipment is installed and no deduction is
17 granted, the approximate current year tax rate for the site would be
18 \$3.0261/\$100 (the change would be negligible).

19 ... If the proposed new manufacturing equipment is installed, and a deduction
20 percentage of eighty percent (80%) is assumed, the approximate current year
21 tax rate for the site would be \$3.0261/\$100 (the change would be negligible).

22 **SECTION 7.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
23 from the assessed value of the new manufacturing equipment shall be for a period of ten
24 years.

25 **SECTION 8.** The benefits described in the Petitioner's Statement of Benefits can be
26 reasonably expected to result from the project and are sufficient to justify the applicable
27 deductions.

28 **SECTION 9.** For new manufacturing equipment, a deduction application must
29 contain a performance report showing the extent to which there has been compliance with
30 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 and submitted
along with the deduction application at the time of filing.

SECTION 10. The performance report must contain the following information

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

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

SECTION 12. 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 13. 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

3810 Fourier Drive, Property ID Number 02-07-17-278-002.000-073

LEGAL DESCRIPTION

Edgewood North Industrial Park, Lot 11.

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 CNC Industries, Inc. for personal property improvements in the amount of \$220,000. CNC Industries, Inc. will purchase and install new manufacturing equipment.**

EFFECT OF PASSAGE: **In order to remain competitive in its industry, CNC Industries, Inc. will replace old manufacturing equipment. 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**