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A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3800 Block of ice Way, Fort Wayne, Indiana 46808 (Sideout Development, LLC)

WHEREAS, Petitioner has duly filed its petition dated April 29, 2011 to have the following described property designated and declared 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 \$174,000, with the average new annual job salary being \$34,800; and

WHEREAS, the total estimated project cost is \$6,900,000; and

WHEREAS, it appears the said petition should be processed to final determination in accordance with the provisions of said Division 6.

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

SECTION 1. That, subject to the requirements of Section 6, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 6 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 2. That, upon adoption of the Resolution:

- ... Said Resolution shall be filed with the Allen County Assessor;
- ... Said Resolution shall be referred to the Committee on Finance requesting a recommendation from said committee concerning the advisability of designating the above area an "Economic Revitalization Area";
- ... Common Council shall publish notice in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 of the adoption and substance of this resolution and setting this designation as an "Economic Revitalization Area" for public hearing.
- That, said designation of the hereinabove described property as an SECTION 3. "Economic Revitalization Area" shall apply to both a deduction of the assessed value of real estate and personal property for new information technology equipment.

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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 and the estimate of the value of new information technology equipment, 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 and from the installation of new information technology equipment.

**SECTION 5.** That, 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 \$3.0261/\$100.
- ... If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.0261/\$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 \$3.0261/\$100 (the change would be negligible).
- ... If the proposed new information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.0261/\$100.
- ... If the proposed new information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.0261/\$100 (the change would be negligible).
- If the proposed new information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.0261/\$100 (the change would be negligible).

**SECTION 6.** That, this Resolution shall be subject to being confirmed, modified and confirmed, or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

**SECTION 7.** That, 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, and the deduction from the assessed value of the new information technology equipment shall be for a period of seven years.

**SECTION 8.** That, 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 9.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**SECTION 10.** 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 11.** 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



APPLICATION IS FO	R: (Check appropriate box	Personal Property	ovements y Improvements ial or Industrial Building	
Total cost of research a Total cost of logistical	uring equipment improven and development equipmen distribution equipment imp on technology equipment in	nents: at improvements: provements:	#6,600,000° ================================	
		L INFORMATION		
	•	F LLC Telephone no BRH OSFICE PARK		
Name of business to be d	lesignated, if applicable:			
Year company was estab	lished:			
Address of property to be	e designated: <u>\$200</u>	Block of ICEW	AY	
Real estate property iden	tification number: 02-0	27-26-177-004.	000-073	
Contact person name:	Todd MRAMSEN	/		
Contact person telephone	number: 260 438 12	2983 Contact person Email:	TRANSEY EXPLOSE ASIE AGE	Ş
Contact person address: _	SAME	1		
	or principal operating perso	nnel		
NAME	TITLE	ADDRESS	PHONE NUMBER	
	.,			
<u> </u>				

List all persons or	firms having ten	percent or more	e ownership	interest in the	applicant 1	business and t	he percentage	each
holds:			_					

NAME	PERCENTAGE
·	
Yes No Are any elected officials shareholders or holders of any obusiness? If yes, who? (name/title)	•
Yes No Is the property for which you are requesting ERA designation.  City of Fort Wayne?	
Yes X No Is the property for which you are requesting ERA des Target Area (EDTA)? (see attached map for current areas	
Yes No Is the property for which you are requesting ERA design for current areas)	
Yes No Do you plan to request state or local assistance to finance	public improvements?
Describe the product or service to be produced or offered at the project site  52,000 self Volleyball Facillity	e:
In order to be considered an Economic Revitalization Area (ERA), the are of Fort Wayne and must have become undesirable for, or impossible of, neack of development, cessation of growth, deterioration of improvements substandard buildings, or other factors which have impaired values or prevoroperty. It also includes any area where a facility or group of facilities the obsolete is located and where the obsolescence may lead to a decline in em	ormal development and occupancy because of a sor character of occupancy, age, obsolescence, yent a normal development of property or use of that are technologically, economically, or energy
Iow does the property for which you are requesting designation meet the a THIS IS A BROWN SIELD SITE. THE SITE AS AN INS ZONED SITE, DUE TO BETAIL WILL SITE WELL.	above definition of an ERA?  - WAS before variable Rutilized  Sprawth. THIS NEW OSE
WILL tit DEITER with THE BREA.	

#### REAL PROPERTY INFORMATION

1	
Complete this section of the application if ye	ou are requesting a deduction from assessed value for real property improvements.
Describe any structure(s) that is/are curr	rently on the property:
Describe the condition of the structure(s	) listed above:
<del></del>	to the property to be designated for tax abatement purposes:
Projected construction start (month/year) Projected construction completion (month)	
☐ Yes No Will construction result U.S. Green Building Council?	in Leadership in Energy and Environmental Design (LEED) certification by th
Yes No Will construction use te	chniques to minimize impact on combined sewer overflows? (i.e. rain gardens,

#### PERSONAL PROPERTY INFORMATION

1.

Complete this section of the application if you are requesting a deduction from assessed value of new manufacturing, research and development, logistical distribution or information technology equipment.

List below the equipment for which you are seeking an economic revitalization area designation.

Manufacturing equipment must be used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property at the site to be designated. Research and development equipment consists of laboratory equipment, research and development equipment, computers and computer software, telecommunications equipment or testing equipment used in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products at the site to be designated. Logistical distribution equipment consists of racking equipment, scanning or coding equipment, separators, conveyors, fork lifts or lifting equipment, transitional moving equipment, packaging equipment, sorting and picking equipment, software for technology used in logistical distribution, is used for the storage or distribution of goods, services, or information. Information technology equipment consists of equipment, including software used in the fields of information processing, office automation, telecommunication facilities and networks, informatics, network administration, software development and fiber optics: (use additional sheets, if necessary)

OFFICE FURNITURE ECCIONENT. CABLE FOR CONDITION TV BEOADERTEUS.
OFFICE FURNITURE, Equipment. CABLE FOR Compaters, TV BRODDENTENS, Special Lightens, Video Equipment
Yes No Has the above equipment for which you are seeking a designation, ever before been used for any purpose
in Indiana? If yes, was the equipment acquired at an arms length transaction from an entity not affiliated with the
applicant?  Yes No
Yes No Will the equipment be leased?
Equipment purchase date (month/year):/15/20//
Equipment installation date (month/year): _ (2-(5 201/
Please provide the depreciation schedule term for equipment under consideration for personal property tax abatement:

#### **ELIGIBLE VACANT BUILDING INFORMATION**

Complete this section of the application if you are requesting a deduction from the current assessed value of a vacant building

Yes No Has the building for which you are seeking designation for tax abatement been unoccupied for at least one year? Please provide evidence of occupation. (i.e. certificate of occupancy, paid utility receipts, executed lease agreements)

Describe any structure(s) that is/are currently on the property:

Describe the condition of the structure(s) listed above:

Projected occupancy date (month/year):

Describe the efforts of the owner or previous owner in regards to selling, leasing or renting the eligible vacant building during the period the eligible vacant building was unoccupied including how much the building was unoccupied.

### PUBLIC BENEFIT INFORMATION

#### EMPLOYMENT INFORMATION FOR FACILITY TO BE DESIGNATED

	Number of Employees	Total Annual Payroll
CURRENT NUMBER FULL-TIME		13
CURRENT NUMBER PART-TIME		
NUMBER RETAINED FULL-TIME		
NUMBER RETAINED PART-TIME		
NUMBER ADDITIONAL FULL-TIME	5	\$174,000
NUMBER ADDITIONAL PART-TIME		,
nk the hoves helev if the jobs to be	created will provide the listed benefits:	
Pension Plan	_	isability Insurance
Tuition Reimbursement		ental Insurance
any benefits not mentioned above:		

#### REQUIRED ATTACHMENTS

The following must be attached to the application.

- 1. Statement of Benefits Form(s) (first page/front side completed)
- 2. Full legal description of property and a plat map identifying the property boundaries. (Property tax bill legal descriptions are not sufficient.) Should be marked as Exhibit A.
- 3. Check for non-refundable application fee made payable to the City of Fort Wayne.

ERA filing fee (either real or personal property improvements)
ERA filing fee (both real and personal property improvements)
ERA filing fee (vacant commercial or industrial building)
ERA filing fee in an EDTA

1.1% of total project cost not to exceed \$500
\$500
\$100

Amendment to extend designation period \$300

Waiver of non compliance with ERA filing \$500 + ERA filing fee

4. Owner's Certificate (if applicant is not the owner of property to be designated) Should be marked as Exhibit B if applicable.

#### CERTIFICATION

I, as the legal taxpayer and/or owner, hereby certify that all information and representations made on this application and its attached exhibits are true and complete and that neither an Improvement Location Permit nor a Structural Permit haS been filed for construction of improvements, nor has any manufacturing, research and development, logistical distribution or information technology equipment which is a part of this application been purchased and installed as of the date of filing of this application. I also certify that the taxpayer is not delinquent on any and all property tax due to taxing jurisdictions within Allen County, Indiana. I understand that any incorrect information on this application may result in a rescission of any tax abatements which I may receive.

I understand that I must file a correctly completed Compliance with Statement of Benefits Form (CF-1/RE for real property improvements and CF-1/PP for personal property improvements) with **BOTH** the City of Fort Wayne Community Development Division, **AND** the County Auditor in each year in which I receive a deduction. Failure to file the CF-1 form with either agency may result in a rescission of any tax abatement occurring as a result of this application.

ignature of Taxpayer/Owner	
Todd Rausey MENGER Printed Name and Title of Applicant	
rinted Name and Title of Applicant	:

# Miliu Luliu Val Vojile, Inc.

Corporate Office: 221 Tower Drive, P.O. Box 34, Monroe, IN 46772, Phone: 260-692-6166, Fax: 260-692-6242

Fort Wayne Office: 231 Airport North Office Park, Fort Wayne, IN 46825, Phone: 260-489-8571, Fax: 260-489-8570

Part of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at 5/8" steel rebar at the intersection of the West right-of-way line of the Penn Central Railroad and the North right-of-way line of Fernhill Avenue, said point being 325,2 feet North of the South line of the Northwest Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana; thence South 78 degrees 30 minutes 58 seconds West, a distance of 191.05 feet along said North right-of-way line of Fernhill Avenue to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the East right-of-way line of Ice Way; thence thence North 55 degrees 29 minutes 02 seconds West, a distance of 41.68 feet along said right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence North 09 degrees 29 minutes 02 seconds West, a distance of 282.17 feet along said right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set, said point being the POINT OF BEGINNING of the herein described tract; thence continuing North 09 degrees 29 minutes 02 seconds West, a distance of 41.86 feet along said right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on a tangent curve, concave to the West, having a radius of 200.00 feet; thence Northwesterly along said curve a distance of 93.72 feet, having a central angle of 26 degrees 51 minutes 00 seconds, and a chord of 92.87 feet bearing North 22 degrees 54 minutes 32 seconds West to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set at the point of tangency; thence North 36 degrees 20 minutes 02 seconds West, a distance of 637.46 feet along said right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on a tangent curve, concave to the East, having a radius of 134.50 feet; thence Northwesterly along said curve and said right-of-way line a distance of 5.13 feet, having a central angle of 02 degrees 11 minutes 14 seconds, and a chord of 5.13 feet bearing North 35 degrees 14 minutes 25 seconds West to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the Southeasterly line of a 0.712 acre tract; thence North 56 degrees 54 minutes 53 seconds East, a distance of 257.87 feet along said Southeasterly line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap on the new Lima Road right-of-way as described in Document Number 2010013930 in the Office of the Recorder of Allen County, Indiana; thence South 33 degrees 20 minutes 00 seconds East, a distance of 522.34 feet along said right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on a tangent curve, concave to the Southwest, having a radius of 8544.37 feet; thence Southeasterly along said curve and said right-of-way line a distance of 334.35 feet, having a central angle of 02 degrees 14 minutes 31 seconds, and a chord of 334.33 feet bearing South 32 degrees 12 minutes 44 seconds East to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set on the West right-of-way line of the Penn Central Railroad; thence South 01 degrees 48 minutes 54 seconds East, a distance of 27.27 feet along said right-of-way line to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence South 87 degrees 26 minutes 37 seconds West, a distance of 35.96 feet to a 5/8" steel rebar with a "Miller Firm #0095" identification cap set; thence South 80 degrees 30 minutes 55 seconds West, a distance of 225.63 feet to the POINT OF BEGINNING. Containing 4.564 Acres, more or less. Subject to easements of record.



#### DIGEST SHEET

TITLE OF ORDINANCE: Declaratory Resolution

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: Sideout Development, LLC is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of \$6,900,000. Sideout Development, LLC will construct a 52,000 square foot volleyball facility.

EFFECT OF PASSAGE: Sideout Development, LLC will redevelop a vacant and underutilized site into a new recreational facility. Five full-time jobs will be created as a result of the project.

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 (PRESIDENT): Mitch Harper and John Shoaff

## **MEMORANDUM**



To:

City Council

FROM:

Elissa McGauley, Economic Development Specialist

DATE:

May 2, 2012

equipment?

energy or other useful products?

Yes No No N/A

RE:

Request for designation by Sideout Development, LLC as an ERA for

real and personal property improvements

#### **BACKGROUND**

PROJECT ADDRESS: 3800 Blo	ole of the Ways PRO II	ECT LOCATED WITHIN:	Dedevolenment Avec
1 ROJECT ADDRESS. 3800 BIO	ck of Ice Way PROJE	ect located within.	Redevelopment Area
PROJECT COST:	\$6,900,000 COUN	ICILMANIC DISTRICT:	3
COMPANY PRODUCT OR SERVICE	Recreational volle	yball facility	
PROJECT DESCRIPTION:		ent, LLC will construct a 52,000 squarmation technology equipment will al	
CREATED		RETAINED	
JOBS CREATED (FULL-TIME):	5	JOBS RETAINED (FULL-TIME):	0
JOBS CREATED (PART-TIME):	0	JOBS RETAINED (PART-TIME):	0
TOTAL NEW PAYROLL:	\$ 174,000	TOTAL RETAINED PAYROLL:	\$ 0
AVERAGE SALARY (FULL-TIME NEW):	\$ 34,800	AVERAGE SALARY (FULL-TIME RETAINED):	\$ 0
Yes No N/A	Project will encourage vindustrial use?	BENEFIT REVIEW  acant or under-utilized land appropriate for  be designated is currently vacant.	commercial or
Yes ⊠ No □ N/A □	Wayne? Explain: Property to	ted is consistent with land use policies of the bedesignated is zoned IN2, a genera Use of property is consistent with the Fort Wayne.	l industrial
Yes 🗌 No 🔲 N/A 🔀	Project encourages the instructure?	nprovement or replacement of a deteriorated	l or obsolete
Yes 🗌 No 🔲 N/A 🔀		nprovement or replacement of obsolete man	<del>-</del>

Project will result in significant conversion of solid waste or hazardous waste into

Yes ☐ No ☐ N/A⊠	Project encourages preservation of an historically or architecturally significant structure?
Yes No No N/A	Construction will result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?
Yes No No N/A	Construction will use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)
Yes No No N/A	ERA designation induces employment opportunities for Fort Wayne area residents?  Explain: Five full-time jobs will be created as a result of the project.
Yes 🛛 No 🗌 N/A 🗍	Average wage of all full-time jobs to be created is at least 150% of current Federal minimum wage.  Explain: The average wage of full-time jobs created is 231% of the current Federal minimum wage rate.
Yes No N/A	Average wage of all full-time jobs to be retained is at least 150% of current Federal minimum wage.
Yes 🛛 No 🗌 N/A 🗌	Taxpayer is NOT delinquent on any or all property tax due to any taxing jurisdiction within Allen County.
	Policy

#### Per the policy of the City of Fort Wayne, the following guidelines apply to this project:

- 1. The period of deduction for real property is ten years.
- 2. The period of deduction for personal property is seven years.

Under Fort Wayne Common Council's tax abatement policies and procedures, Sideout Development, LLC is eligible for a ten year deduction on real property improvements and a seven year deduction on personal property improvements. Attached is a spreadsheet that shows how the application scored under the review system.

	IENTS	

Signed: Economic Development Specialist

#### Real Property Abatements

Tax Abatement Review System

	Points Possible	Points Awarded
Total new investment in real property (new structures and/or rehabilitation)		10
Over \$1,000,000	10	
\$500,000 to \$999,999	8	
\$100,000 to \$499,999	6	
Under \$100,000	4	
Total number of jobs created and/or retained		2
Over 150	10	
75 to 149	8	
25 to 74	6	
10 to 24	4	
Under 10	2	
Current # of employees increases 50-99%	6	0
Current # of employees increases 100% or more	8	0
Average annual salary of full-time Jobs created and/or retained are % of the Federal Minimum Wage		7
Greater than 300% of the Federal Minimum Wage	10	
201% to 300% of the Federal Minimum Wage	7	
151% to 200% of the Federal Minimum Wage	3	
150% of the Federal Minimum Wage	1	
Health insurance provided by the company	5	5
Project involves reinvestment at current location of a business	10	0
Project involves new or startup business	5	5
Construction uses green building techniques (ie LEED Certification)	5	0
Construction uses techniques to minimize impact on Combined Sewer Overflows (CSOs)	2	0
Project is located in a HUBzone	10	0
· · · · · · · · · · · · · · · · · · ·	Total	29

7 to 11 points - Three Year Abatement	
12 to 16 points - Five Year Abatement	
17 to 23 points - Seven Year Abatement	,
24 to 67 points - Ten Year Abatement	

<sup>\*</sup> If Average annual salary of the full-time jobs created by listed occupation is 10% or greater than the average salary for Allen County using current occupational employment statistics, then the applicant is eligible for an alternate deduction schedule.

10 Year	
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	90%
Year 7	80%
Year 8	65%
Year 9	50%
Year 10	40%
7 Year	
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	71%
Year 7	43%

#### Personal Property Abatements

Tax Abatement Review System

	Points Possible	Points Awarded
Total new investment in equipment		4
Over \$5,000,000	10	
\$1,000,000 to \$4,999,999	8	
\$500,000 to \$999,999	6	
\$0 to \$499,999	4	
Total number of jobs created and/or retained		2
Over 150	10	
75 to 149	8	
25 to 74	6	
10 to 24	4	
Under 10	. 2	
Current # of employees increases 50-99%	6	
Current # of employees increases 100% or more	8	<del>_</del>
Average annual salary of full-time jobs created and/or retained are % of the Federal Minimum Wage *		7
Greater than 300% of the Federal Minimum Wage	10	
201% to 300% of the Federal Minimum Wage	7	
151% to 200% of the Federal Minimum Wage	3	
150% of the Federal Minimum Wage	1	
Health insurance provided by the company	5	5
Project involves reinvestment at current location of a business	10	0
Project involves new or startup business	5	5
Construction uses green building techniques (le LEED Certification)	5	0
Construction uses techniques to minimize impact on Combined Sewer Overflows (CSOs)	2	0
Project is located in a HUBzone	10	0
	Total	23

7 to 11 Points - Three Year Abatement	
12 to 16 Points - Five Year Abatement	
17 to 23 Points - Seven Year Abatement	
24 to 60 Points - Ten Year Abatement	

<sup>\*</sup> If Average annual salary of the full-time jobs created by listed occupation is 10% or greater than the average salary for Allen County using current occupational employment statistics, then the applicant is eligible for an alternate deduction schedule.

10 Year	
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	90%
Year 7	80%
Year 8	65%
Year 9	50%
Year 10	40%
7 Year	
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	71%
Year 7	43%