BILL NO. R-12-05-16

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 3800 Block of Ice Way, Fort Wayne, Indiana 46808 (Sideout Development, 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 additional 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, a recommendation has been received from the Committee on Finance concerning 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. 5-3-1and 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 and personal property for new information technology 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 redevelopment or rehabilitation and estimate of the value of the 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 installation of the new information technology equipment.

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 $3.0261/$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 $6.0261/$100 (the change would be negligible).

SECTION 6. 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 that the deduction from the assessed value of the new information technology equipment shall be for a period of seven years.

SECTION 7. 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 8. For new information technology equipment, 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 and submitted along with the deduction application at the time of filing.

SECTION 9. 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 in 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 10. The performance report must contain the following information:

- The cost and description of real property improvements and/or new information technology equipment acquired.

- 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 and/or personal property deductions.
- 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 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 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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

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Carol Helton, City Attorney

EXHIBIT A

Miller Land Surveying, 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.

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 Sideout Development, LLC 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 (CO-CHAIRS): **Mitch Harper and John Shoaff**