

3 **A CONFIRMING RESOLUTION designating an "Economic**
4 **Revitalization Area" under I.C. 6-1.1-12.1 for property**
5 **commonly known as 3426 Wells Street, Fort Wayne, Indiana**
6 **46808 (Nestle Dreyers Grand Ice Cream)**

7 **WHEREAS**, Common Council has previously designated and declared by Declaratory Resolution
8 the following described property as an "Economic Revitalization Area" under Sections 153.13-153.24 of
9 the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

10 **Attached hereto as "Exhibit A" as if a part herein; and**

11 **WHEREAS**, said project will retain 553 full-time, permanent jobs for a current annual payroll of
12 \$22,027,703, with the average current annual job salary being \$39,833; and

13 **WHEREAS**, the total estimated project cost is \$31,000,000; and

14 **WHEREAS**, a recommendation has been received from the Committee on Finance concerning
15 said Resolution; and

16 **WHEREAS**, notice of the adoption and substance of said Resolution has been published in
17 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
18 Resolution.

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

21 **SECTION 1.** That, the Resolution previously designating the above described property as an
22 "Economic Revitalization Area" is confirmed in all respects.

23 **SECTION 2.** That, the hereinabove described property is hereby declared an "Economic
24 Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this
25 Resolution and shall terminate on December 31, 2016, unless otherwise automatically extended in five
26 year increments per I.C. 6-1.1-12.1-9.

27 **SECTION 3.** That, said designation of the hereinabove described property as an "Economic
28 Revitalization Area" shall apply to a deduction of the assessed value of real estate and personal property
29 for new manufacturing, information technology, and logistical distribution equipment.

30 **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 manufacturing, information
technology, and logistical distribution 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 manufacturing, information technology, and logistical distribution equipment.

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

- 1 ... If the proposed development does not occur, the approximate current year tax rates for this
2 site would be \$3.0261/\$100.
- 3 ... If the proposed development does occur and no deduction is granted, the approximate
4 current year tax rate for the site would be \$3.0261/\$100 (the change would be negligible).
- 5 ... If the proposed development occurs, and a deduction percentage of fifty percent (50%) is
6 assumed, the approximate current year tax rate for the site would be \$3.0261/\$100 (the
7 change would be negligible).
- 8 ... If the proposed new manufacturing, information technology, and logistical distribution
9 equipment is not installed, the approximate current year tax rates for this site would be
10 \$3.0261/\$100.
- 11 ... If the proposed new manufacturing, information technology, and logistical distribution
12 equipment is installed and no deduction is granted, the approximate current year tax rate for
13 the site would be \$3.0261/\$100 (the change would be negligible).
- 14 ... If the proposed new manufacturing, information technology, and logistical distribution
15 equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the
16 approximate current year tax rate for the site would be \$3.0261/\$100 (the change would be
17 negligible).

18 **SECTION 6.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from
19 the assessed value of the real property shall be for a period of ten years, and that the deduction from the
20 assessed value of the new manufacturing, information technology, and logistical distribution equipment
21 shall be for a period of ten years.

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

24 **SECTION 8.** For new manufacturing, information technology, and logistical distribution
25 equipment, a deduction application must contain a performance report showing the extent to which there
26 has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council
27 at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort
28 Wayne's Community Development Division and must be included with the deduction application. For
29 subsequent years, the performance report must be updated and submitted along with the deduction
30 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

1 located. If the taxpayer does not file a personal property tax return in the taxing district in which the
2 property is located, the information must be provided by May 15.

3 **SECTION 10.** The performance report must contain the following information:

- 4 . The cost and description of real property improvements and/or new manufacturing,
information technology, and logistical distribution equipment acquired.
- 5 . The number of employees hired through the end of the preceding calendar year as a result of
the deduction.
- 6 . The total salaries of the employees hired through the end of the preceding calendar year as a
7 result of the deduction.
- 8 . The total number of employees employed at the facility receiving the deduction.
- 9 . The total assessed value of the real and/or personal property deductions.
- 10 . The tax savings resulting from the real and/or personal property being abated.

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

12 **SECTION 12.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a
13 deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as
14 determined by the county auditor in accordance with section 12 of said chapter if the property owner
15 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.

16 **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.

17
18 _____
Member of Council

19 APPROVED AS TO FORM A LEGALITY

20
21 _____
Carol Helton, City Attorney

EXHIBIT A

Commitment No. T070204865

Exhibit "A" -- Legal Description

Part of Lot "B" ROMY'S OUT LOTS in the Southwest Quarter of Section 26, Washington Township, Allen County, Indiana, in accordance with the Plat recorded in Plat Record 1, page 73, in the Office of Recorder of said County;

TOGETHER with part of a Tract of land shown as the Wilson Tract on the aforesaid recorded Plat, lying South of and adjoining said Lot "B"; in the Southwest ¼ of said Section 26, Township 31 North, Range 12 East. The captioned property being further defined as the North 125 feet of the West 520 feet of a 2.13 Acre Tract of land conveyed by instrument recorded in Deed Record 603, pages 496-497, in particular by metes and bounds described as follows, to-wit:

Commencing on the West line of said Lot "B", as defined by the centerline of a public road known as the Lima Road, presently called Wells Street, at a point situated 400.0 feet South of the Northwest corner of said Lot "B"; thence Easterly on a line parallel to the North line of said Lot "B", by a deflection left of 88 degrees 59 minutes from the Southerly extension of said Wells Street centerline, a distance of 520.0 feet to a pin set; thence Southerly and parallel to said Wells Street centerline by a deflection right of 88 degrees 59 minutes, a distance of 125.0 feet to the South line of said 2.13 Acre Tract; thence Westerly along the said South line a distance of 520.0 feet to the centerline of said Wells Street; thence Northerly along the said centerline by a deflection right of 88 degrees 59 minutes, a distance of 125.0 feet to the place of beginning. Containing 1.489 Acres of land, more or less.

ALSO:

Part of Lot "B" Romy's Out Lots in the Southwest Quarter of Section 26, Washington Township, Allen County, Indiana, in accordance with the plat recorded in Plat Record 1, Page 73, in the Office of the Recorder of said County;

TOGETHER WITH part of a tract of land shown as the Wilson Tract on the aforesaid recorded plat, lying South of and adjoining Lot "B" in the Southwest Quarter of said Section 26, Township 31 North, Range 12 East, in particular described as follows, to-wit:

To arrive at the point of beginning, commence on the West line of said Lot "B" as defined by the centerline of a public road known as the Lima Road, presently called Wells Street in City Maps, at a point situated 400.0 feet South of the Northwest corner of said Lot "B"; thence East on a line parallel to the North line of said Lot "B", a distance of 520.0 feet to the point of beginning initially referred to and the Northwest corner of the subject tract; thence continuing East and parallel to the North line of said Lot "B", a distance of 273.5 feet to the West right-of-way line of the former Lake Shore & Michigan Southern Railroad, now the Consolidated Rail Corporation as situated 50 feet normally distant Westward of the single track centerline; thence South along the said railroad right-of-way line, a distance of 125.0 feet; thence West and parallel to the North line of said Lot "B", a distance of 271.0 feet; thence North and parallel to the centerline of said Wells Street, a distance of 125.0 feet to the point of beginning, containing 0.78 acres, more or less, of land.

Also being described by survey dated November 20, 2006 by K&M Surveying Services, Inc. as follows:

EXHIBIT A

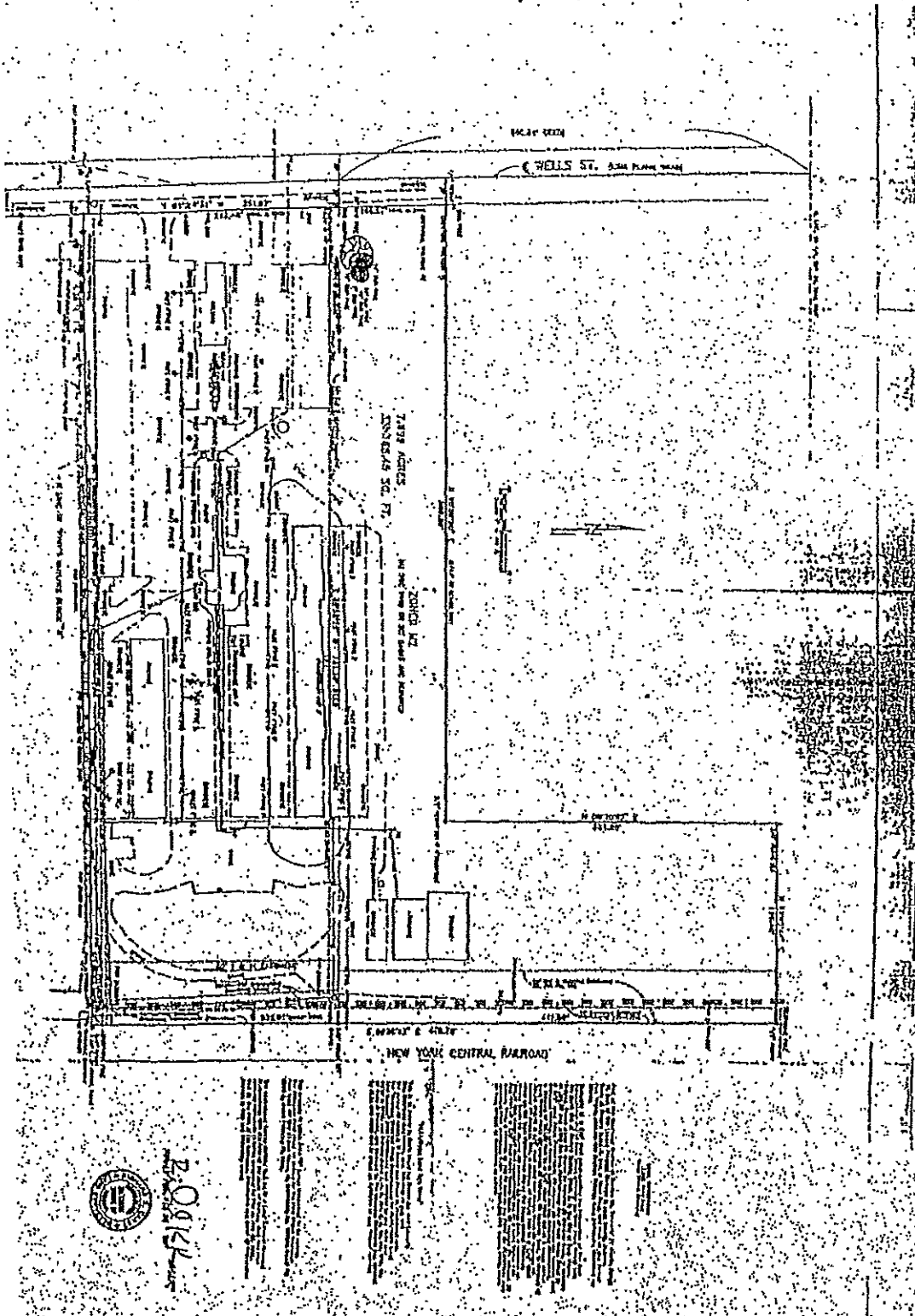
continued on next page
Schedule B-Section II continued
Commitment No. T070204865

Part of Romy's Outlots Block "H" as recorded in Plat Record 1, page 73 and part of the Southwest Quarter of Section 26, Township 31 North, Range 12 East of the Second Principal Meridian, Washington Township in Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the centerline of Wells Street (formerly the Lima Plank Road) with the North line of said Romy's Outlots, Block B, in the City of Fort Wayne, Indiana; thence South 01 degree 24 minutes 31 seconds East (Deed bearing and heels of bearing to follow), a distance of 400.00 feet along said centerline to the South line of an existing tract described in Document Number 85-16574 in the Office of the Recorder of Allen County, Indiana, said point being the Point of Beginning of the herein described tract; thence North 89 degrees 25 minutes 28 seconds East, a distance of 794.26 feet along said South line to a 5/8" steel rebar with "Karat" identification cap set on the West right-of-way line of Penn Central Railroad; thence South 00 degrees 20 minutes 22 seconds East, a distance of 125.00 feet along said West right-of-way line to a 5/8" steel rebar with "Karat" identification cap set; thence South 89 degrees 25 minutes 28 seconds West, a distance of 791.93 feet parallel with the North line of said Romy's Outlots, Block B to the centerline of said Wells Street; thence North 01 degree 24 minutes 31 seconds West, a distance of 125.00 feet along said centerline to the Point of Beginning. Containing 2.276 acres more or less.

End of Exhibit "A"

EXHIBIT A



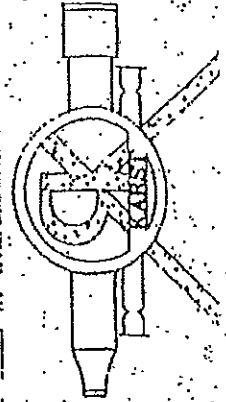
WELLS STREET CROSSING
ALTA SURVEY

RK KARST & ASSOCIATES
725 FULTON STREET
FORT WAYNE, IN. 46802
PHONE • (219) 426-3936



PAGE OF

EXHIBIT A



RK KARST & ASSOCIATES
725 FULTON STREET

LEGAL DESCRIPTION
7.699 acre tract
Wells Street Crossing

Part of the Southwest Quarter of Section 26, Township 31 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, North of Romy's Outlot B, East of Lima Road, and West of the former Fort Wayne, Jackson and Saginaw Railway, more particularly described as follows:

Beginning at a 5/8" steel rebar marking the intersection of the East right-of-way line of Wells Street (formerly the Lima Plank Road) with the North line of Romy's Outlots, Block B, in the City of Fort Wayne, Indiana; thence North 01 degree 24 minutes 31 seconds West, a distance of 351.97 feet along the East right-of-way line of said Wells Street to a 1/2" steel rebar; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing, and basis of bearings for the following description), a distance of 589.90 feet to a 5/8" steel rebar set at a wood corner post; thence North 00 degrees 10 minutes 05 seconds East, a distance of 331.60 feet to a 5/8" steel rebar set; thence North 89 degrees 05 minutes 44 seconds East, a distance of 190.48 feet to a 1/2" steel rebar on the West right-of-way line of the Penn-Central Railroad; thence South 00 degrees 20 minutes 13 seconds East, a distance of 678.71 feet along said West right-of-way line to a point being 1.93 feet West of a 1/2" steel rebar; thence South 89 degrees 25 minutes 36 seconds West, a distance of 776.70 feet to the POINT OF BEGINNING; said

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 Nestle Dreyers Grand Ice Cream for real and personal property improvements in the amount of \$31,000,000. In order to expand, Nestle Dreyers Grand Ice Cream will add approximately 2,500 square feet to its facility and install new manufacturing, information technology, and logistical distribution equipment.**

EFFECT OF PASSAGE: **Installing new equipment and constructing the addition will allow Nestle Dreyers Grand Ice Cream to maintain a competitive manufacturing environment. Thirty part-time jobs will be created and 553 full-time jobs will be retained.**

EFFECT OF NON-PASSAGE: **Potential loss of development and thirty part-time jobs**

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

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