BILL NO. R-12-08-02

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 3404 Conestoga Drive, Fort Wayne, Indiana 46808 (Conestoga, 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 result in the occupation of an eligible vacant building under I.C. 6-1.1-12.1-4.8; and

WHEREAS, said project will create two full-time, permanent jobs for a total new, annual payroll of $52,000, with the average new annual job salary being $26,000 and retain twenty full-time, permanent jobs for a total current annual payroll of $622,601, with the average current, annual job salary being $31,130; and

WHEREAS, the total estimated project cost is $1,200,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; 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; and

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, 2016, 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 both a deduction of the assessed value of occupation of an eligible vacant building and real estate.

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 occupation of the eligible vacant building and the estimate of the value of redevelopment or rehabilitation of the eligible vacant building, 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.

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

- If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be $3.0261/$100.
- If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current tax rate for the site would be $3.0261/$100 (the change would be negligible).
- If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for this would be $3.0261/$100 (the change would be negligible).
- 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 occurs 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).

SECTION 6. Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from the assessed value of the eligible vacant building shall be for a period of one year and the deduction from the assessed value of the real property shall be for a period of ten years.

SECTION 7. 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 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 with 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 9. The performance report must contain the following information

- The cost and description of real property improvements.
- 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 property deductions.
- The tax savings resulting from the real 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 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 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.

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Member of Council

APPROVED AS TO FORM A LEGALITY

____
Carol Helton, City Attorney

Admn. Appr.____________

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Conestoga, LLC is requesting the designation of an Economic Revitalization Area for real property improvements in the amount of $1,200,000. In order to expand, Conestoga, LLC will refurbish and occupy a vacant manufacturing building while also replacing all inefficient mechanical systems.**

EFFECT OF PASSAGE: **Restoring the building and replacing the mechanical systems will allow Conestoga, LLC to remediate an eligible vacant building. Two full-time jobs will be created.**

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

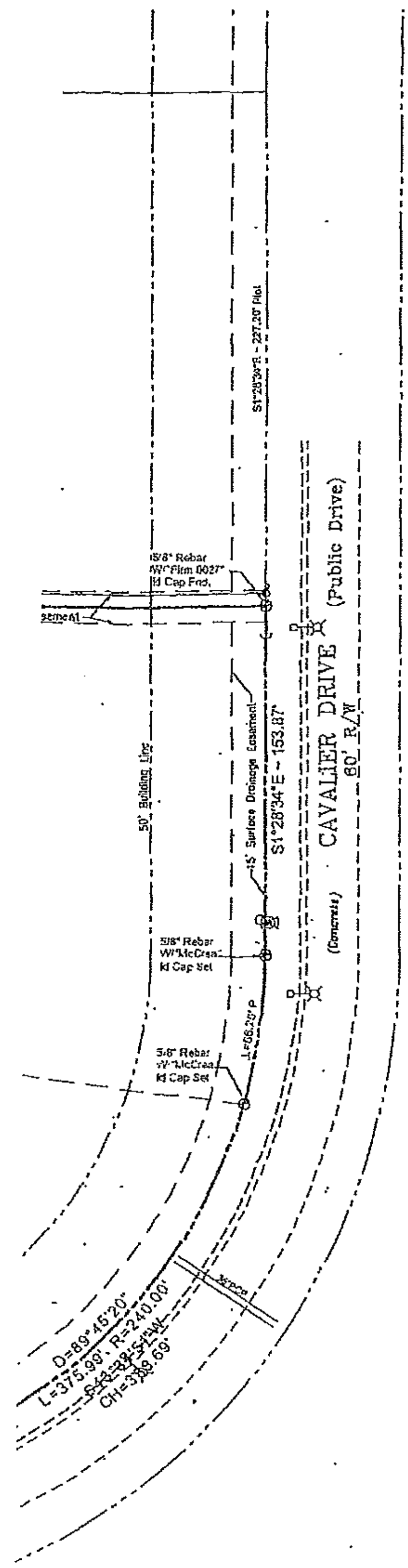

Exhibit A

Commitment No.: 4035-25688

Note Corresponding to Schedule B

Subject To:

12. Terms and provisions of General Ordinance No. G-30-00, an Ordinance of the purpose of vacating a dedicated utility easement, recorded as Instrument 200077762. (Affect property and plotted)

13. Terms and provisions of restrictions recorded in Instrument 81-7688. (Subject To)

14. Terms and provisions of Centennial Industrial Park Renewal Project Urban Renewal plan recorded as Instrument 85-10805. (Subject To)

15. Terms and provisions of Agreement for the Construction, Maintenance, and Repair of a Storm Water Detention Basin recorded as Instrument 960014638. (Subject To)

16. Covenants, conditions, restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in instrument recorded in Plat Cabinet A, page 7 and Document Number 87-32056. (Subject To)

Commitment Legal Description

Tract A

Lot Number 47 in Centennial Industrial Park, Section VI, an Addition to the City of Fort Wayne, according to the plat thereof, as recorded in Cabinet A, page 7, in the Office of the Recorder of Allen County, Indiana.

Tract B

Lots Numbered 48 and 49 in Centennial Industrial Park, Section VI, an Addition to the City of Fort Wayne, according to the plat thereof, as recorded in Cabinet A, page 7, in the Office of the Recorder of Allen County, Indiana.

Miscellaneous Notes

1. THERE IS NO EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

2. THERE IS NO INFORMATION ON PROPOSED CHANGES IN RIGHT OF WAY LINES FROM THE CONTROLLING JURISDICTION. ALSO THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS

3. THERE IS NO EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

4. THIS SURVEY DESCRIBES THE SAME PROPERTY AS THAT DESCRIBED IN METROPOLITAN TITLE OF INDIANA, LLC COMMITMENT NUMBER 4035-25688

Surveyor's Report

In accordance with Title 865, Article 1, Rule 12, Section 1 through 30 of the Indiana Administrative Code, the following opinion is submitted regarding the various uncertainties in the locations of the lines and corners established on this parcel as a result of:

A) Variances and availability in the reference monuments: They are considered as follows: platted and recorded distances, retracing previous surveyor's footsteps, monuments found, and physical objects found that have documents that can verify their location of monuments or property and/or boundary lines.

B) Discrepancies in the record descriptions and plats: none

C) Inconsistencies in lines of occupation: None –

D) Relative Positional Accuracy : Suburban Survey.

An electronic total station and data collector were used to collect data for physical location of pavement and lot corner monumentation was accomplished employing the total station using standard radial surveying techniques and dual GPS receivers. The bearing used as basis for this survey was derived by dual-frequency GPS receivers connected to INDOT CORS Network.

Intent: To perform a retracement survey of the real estate described herein

Monuments found: Shown on plat.

Ambiguities None

Discussion:

The survey was done as an ALTA/ACSM Land Title survey conforming to 2011 standards, however the title company did not provide zoning information, adjoining property documents. The Section corner monuments needed for the survey were found and noted on survey. Found monuments and record descriptions were used to establish the

CONESTOGA LLC

EXHIBIT A

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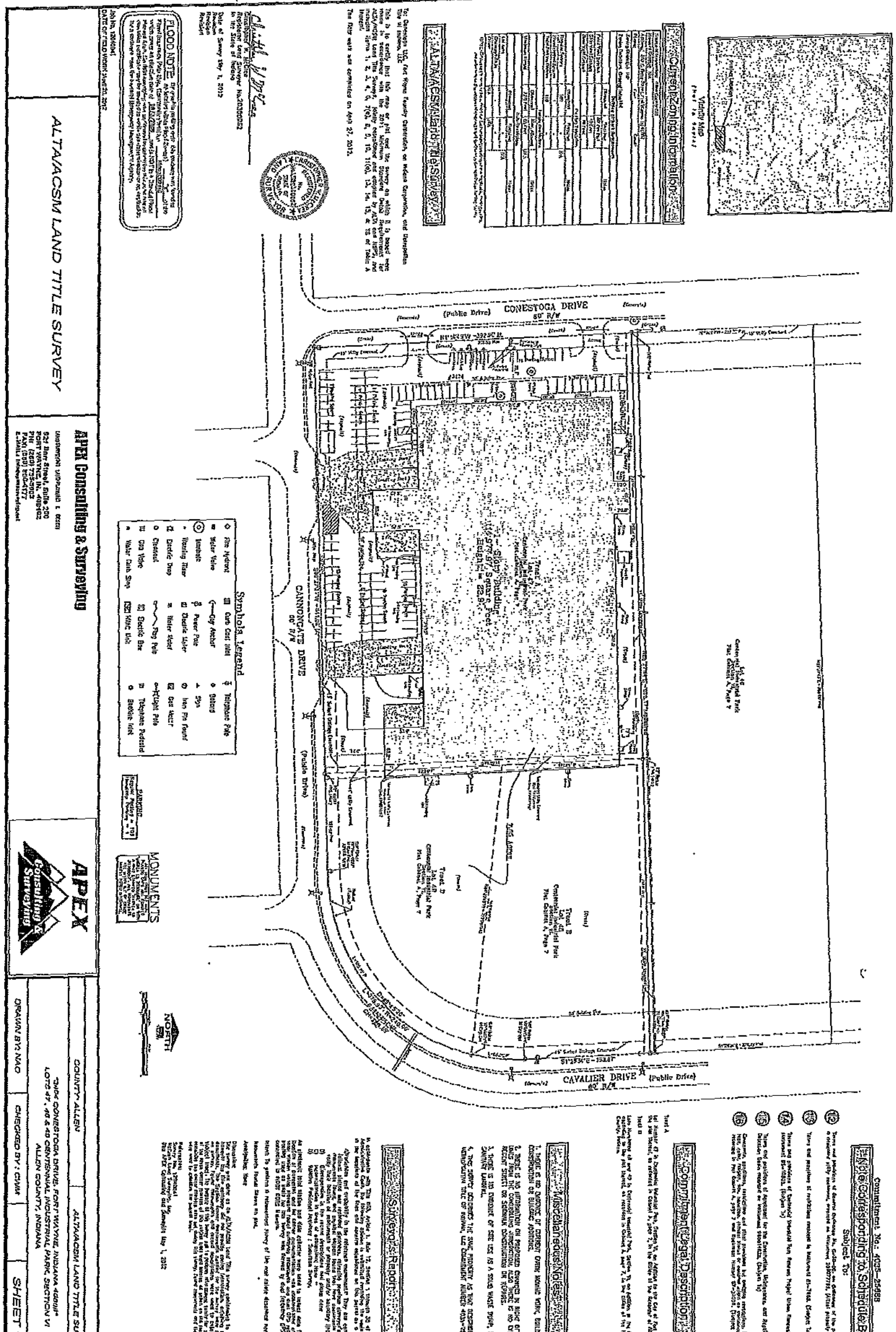
ENLARGED FROM PAGE 2

Exhibit A



CONESTOGA LLC

EXHIBIT A

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