

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3505 Independence Drive, Fort Wayne, Indiana 46808 (Dowco, Inc.)

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 eighteen full-time, permanent jobs for a total new, annual payroll of \$575,453, with the average new annual job salary being \$31,970 and retain fourteen full-time, permanent jobs for a total current annual payroll of \$449,093, with the average current, annual job salary being \$32,078 ; and

WHEREAS, the total estimated project cost is \$520,000; 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; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

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, real estate, and personal property for new manufacturing, logistical distribution, and information technology equipment.

1 **SECTION 4.** That, the estimate of the number of individuals that will be employed or whose
2 employment will be retained and the estimate of the annual salaries of those individuals and the estimate
3 of the value of the occupation of the eligible vacant building and estimate of the value of the occupation of
4 the eligible vacant building and the value of the redevelopment or rehabilitation of the eligible vacant
5 building and estimate of the value of the new manufacturing, logistical distribution, and information
6 technology equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits
7 that can be reasonably expected to result from the proposed described installation of the new
8 manufacturing, logistical distribution, and information technology equipment.

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

10 ... If the proposed occupation of the eligible vacant building does not occur, the approximate
11 current year tax rates for this site would be \$3.0261/\$100.

12 ... If the proposed occupation of the eligible vacant building occurs and no deduction is granted,
13 the approximate current tax rate for the site would be \$3.0261/\$100 (the change would be
14 negligible).

15 ... If the proposed occupation of the eligible vacant building occurs, and a deduction percentage
16 of fifty percent (50%) is assumed, the approximate current year tax rate for this would be
17 \$3.0261/\$100 (the change would be negligible).

18 ... If the proposed development does not occur, the approximate current year tax rates for this
19 site would be \$3.0261/\$100.

20 ... If the proposed development does occur and no deduction is granted, the approximate
21 current year tax rate for the site would be \$3.0261/\$100 (the change would be negligible).

22 ... If the proposed development occurs, and a deduction percentage of fifty percent (50%) is
23 assumed, the approximate current year tax rate for the site would be \$3.0261/\$100 (the
24 change would be negligible).

25 ... If the proposed new manufacturing, logistical distribution, and information technology
26 equipment is not installed, the approximate current year tax rates for this site would be
27 \$3.0261/\$100.

28 ... If the proposed new manufacturing, logistical distribution, and information technology
29 equipment is installed and no deduction is granted, the approximate current year tax rate for
30 the site would be \$3.0261/\$100 (the change would be negligible).

 ... If the proposed new manufacturing, logistical distribution, and 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, 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 10 years, and that the deduction from the

1 assessed value of the new manufacturing, logistical distribution, and information technology equipment
2 shall be for a period of 10 years.

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

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

12 **SECTION 9.** For real property, a deduction application must contain a performance report
13 showing the extent to which there has been compliance with the Statement of Benefits form approved by
14 the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County
15 Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in
16 the deduction application. For subsequent years, the performance report must be updated each year in
17 which the deduction is applicable at the same time the property owner is required to file a personal
18 property tax return in the taxing district in which the property for which the deduction was granted is
19 located. If the taxpayer does not file a personal property tax return in the taxing district in which the
20 property is located, the information must be provided by May 15.

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

- 22 . The cost and description of real property improvements and/or new manufacturing, logistical
23 distribution, and information technology equipment acquired.
- 24 . The number of employees hired through the end of the preceding calendar year as a result of
25 the deduction.
- 26 . The total salaries of the employees hired through the end of the preceding calendar year as a
27 result of the deduction.
- 28 . The total number of employees employed at the facility receiving the deduction.
- 29 . The total assessed value of the real and/or personal property deductions.
- 30 . 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

1 the property owner obtained the deduction by intentionally providing false information concerning the
2 property owner's plans to continue operation at the facility.

3 **SECTION 13.** That, this Resolution shall be in full force and effect from and after its passage
4 and any and all necessary approval by the Mayor.

5 _____
Member of Council

6 APPROVED AS TO FORM A LEGALITY
7

8 _____
9 Carol Helton, City Attorney

Exhibit A

LEGAL DESCRIPTION

PARCEL I:

Part of the Southwest Quarter of Section 28, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

COMMENCING at the Southeast corner of Centennial Industrial Park, Section VIII, as recorded in the plat thereof, in the Office of the Recorder of Allen County, Indiana; thence North along the East line of said Centennial Industrial Park, Section VIII, a distance of 495.53 feet to a point on the South right of way line of Independence Drive; thence Northeasterly with a deflection angle to the right of 77 degrees 27 minutes 40 seconds to the chord of a curve to the left, having a radius of 230.0 feet and a central angle of 16 degrees 04 minutes along said right of way line, a distance of 64.50 feet to a point of tangency; thence Northeasterly, tangent to aforesaid curve along said right of way line, a distance of 1.86 feet (1.17 feet, recorded) to the True Point of Beginning; thence continuing Northeasterly along the aforesaid line, a distance of 158.14 feet to a point of curvature; thence Easterly along a curve to the right having a radius of 170.0 feet and a central angle of 21 degrees 00 minutes, a distance of 62.31 feet to a point of tangency; thence East, tangent to aforesaid curve, and along said right of way line, a distance of 126.44 feet; thence South with a deflection angle to the right of 89 degrees 34 minutes 30 seconds and parallel to the East line of Centennial Industrial Park, Section VIII, a distance of 340.0 feet; thence West with a deflection angle to the right of 90 degrees 25 minutes 30 seconds, a distance of 335.5 feet; thence North with a deflection angle to the right of 89 degrees 34 minutes 30 seconds and parallel to the East line of Centennial Industrial Park, Section VIII, a distance of 272.04 feet to the Point of Beginning, containing 2.48 acres.

PARCEL II:

Part of the Southwest Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

BEGINNING at the Southeast corner of Centennial Industrial Park, Section VIII, as recorded in the plat thereof, in the Office of the Recorder of Allen County, Indiana; thence North along the East line of said Centennial Industrial Park, Section VIII, a distance of 188.1 feet to the Point of Beginning; thence North along the East line of said Centennial Industrial Park, Section VIII, a distance of 307.43 feet to a point on the South right of way line of Independence Drive; thence Northeasterly with a deflection angle to the right of 77 degrees 27 minutes 40 seconds to the chord of a curve to the left, having a radius of 230.0 feet and a central angle of 16 degrees 04 minutes, along said right of way line, a distance of 64.50 feet to the point of tangency; thence Northeasterly, tangent to aforesaid curve along said right of way line, a distance of 1.86 feet; thence South with a deflection angle to the right of 110 degrees 34 minutes 30 seconds, a distance of 272.04 feet; thence East with a deflection angle to the left of 89 degrees 34 minutes 30 seconds, a distance of 335.5 feet; thence South with a deflection angle to the right of 89 degrees 34 minutes 30 seconds, a distance of 231.68 feet; thence West with a deflection angle to the right of 89 degrees 26 minutes 10 seconds, a distance of 335.5 feet; thence North with a deflection angle to the right of 90 degrees 33 minutes 50 seconds and parallel to the East line of Centennial Industrial Park, Section VIII, a distance of 187.46 feet; thence West with a deflection angle to the left of 90 degrees 00 minutes, a distance of 64.5 feet to the Point of Beginning, containing 2.27 acres.

ALSO:

Part of the Southwest Quarter of Section 28, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

BEGINNING at the Southeast corner of Centennial Industrial Park, Section VIII, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence North along the East line of Lot Number 55 in Centennial Industrial Park, Section VIII, a distance of 188.1 feet; thence East with a deflection angle to the right of 90 degrees 00 minutes, a distance of 64.5 feet; thence South with a deflection angle to the right of 90 degrees 00 minutes, a distance of 187.46 feet; thence West with a deflection angle to the right of 89 degrees 26 minutes 10 seconds, a distance of 64.5 feet to the Point of Beginning, containing 0.28 acres.

EXCEPTING therefrom the following described real estate:

Part of the Southwest Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

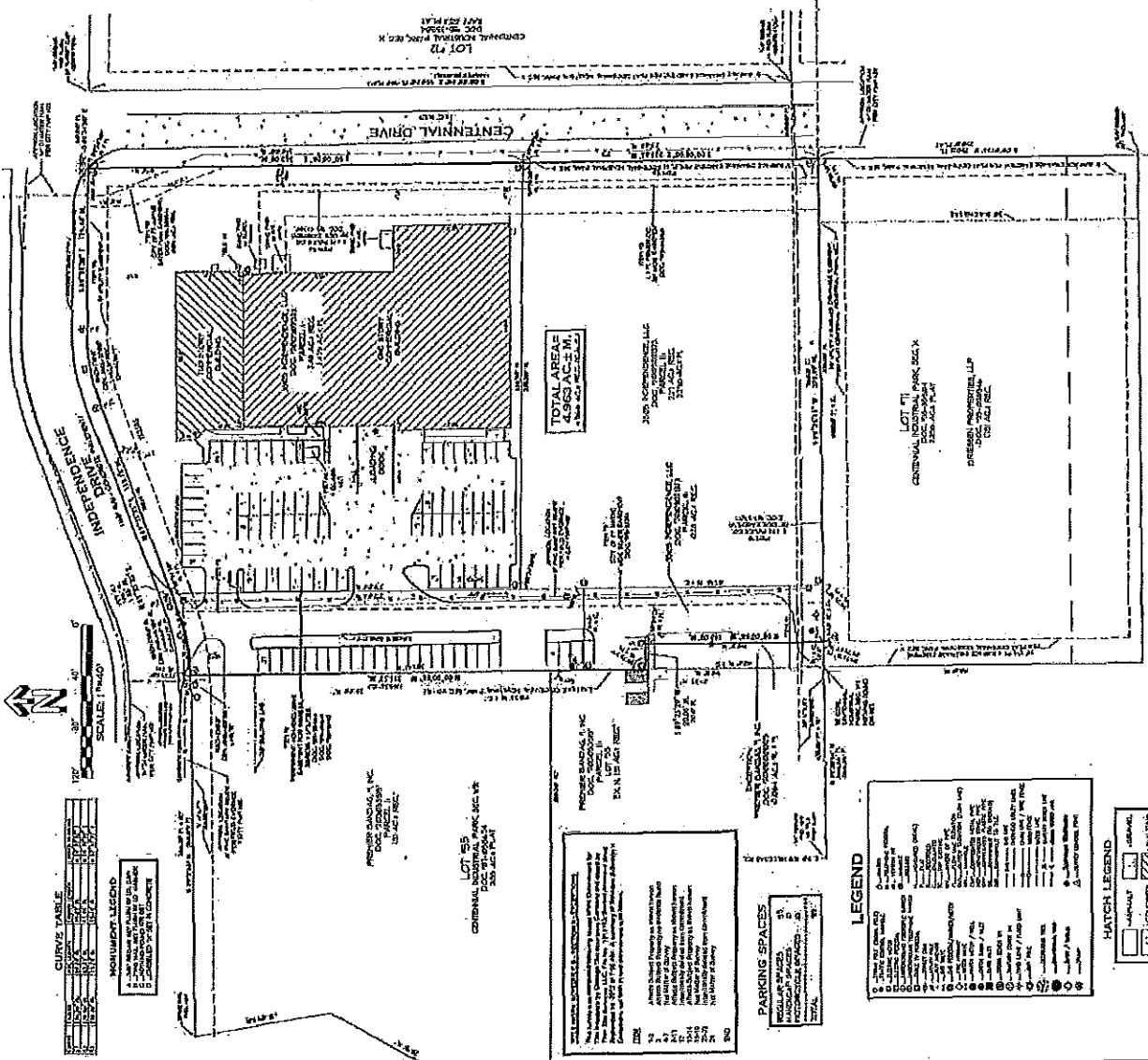
BEGINNING at the Southeast corner of Lot Number 55 in Centennial Industrial Park, Section VIII; thence North along the East line of Lot Number 55, a distance of 140.0 feet; thence East with a deflection angle to the right of 89 degrees 25 minutes 37 seconds, a distance of 20.0 feet; thence South with a deflection angle to the right of 90 degrees 34 minutes 23 seconds, a distance of 140.0 feet; thence West with a deflection angle to the right of 89 degrees 25 minutes 37 seconds, a distance of 20.0 feet to the Point of Beginning, containing 0.064 acres

ANDERSON SURVEYING, INC.
Registered Professional Engineer and Land Surveyor
1935 2nd Ave. S.
Columbia, Mo. 65201
Phone (314) 431-3123
Fax (314) 431-6555
Toll Free (800) 483-1924
www.andersonsurveying.com

KEY HQ - 17-08-154

A / ACSM LAND TITLES UNIT
1505 Independence Drive
Fort Worth, TX

DATE	10-26-2012	TIME	10:00 AM
BY	101247012	BY	101247012
DATE	10-26-2012	TIME	10:00 AM
BY	101247012	BY	101247012

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Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Dowco, Inc. is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of \$520,000. In order to expand, Dowco, Inc. will invest in and occupy a vacant industrial building while also installing manufacturing, logistical distribution, and information technology equipment.**

EFFECT OF PASSAGE: **Installing new equipment and refurbishing the structure will allow Dowco, Inc. to further expand while maintaining current business. Eighteen full-time jobs will be created.**

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