

DECLARATORY RESOLUTION NO. R-_____

**A DECLARATORY RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 8231 Smith Road (south
of), Fort Wayne, Indiana 46809 (Old Dominion Freight
Line, Inc.)**

WHEREAS, Petitioner has duly filed its petition dated November 1, 2012 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 38 full-time and 2 part-time, permanent jobs for a total new, annual payroll of \$2,335,000, with the average new annual job salary being \$58,375 and retain 36 full-time and 4 part-time, permanent jobs for a total current annual payroll of \$2,305,000, with the average current, annual job salary being \$57,625; and

WHEREAS, the total estimated project cost is \$5,800,000; 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, 2016, 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;

1 **SECTION 3.** That, said designation of the hereinabove described property as an
2 "Economic Revitalization Area" shall apply to a deduction of the assessed value of real
3 estate.

4 **SECTION 4.** That, the estimate of the number of individuals that will be employed
5 or whose employment will be retained and the estimate of the annual salaries of those
6 individuals and the estimate of the value of redevelopment or rehabilitation, all contained in
7 Petitioner's Statement of Benefits, are reasonable and are benefits that can be reasonably
8 expected to result from the proposed described redevelopment or rehabilitation.

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

11 ... If the proposed development does not occur, the approximate current year tax
12 rates for this site would be \$3.1537/\$100.

13 ... If the proposed development does occur and no deduction is granted, the
14 approximate current year tax rate for the site would be \$3.1537/\$100 (the
15 change would be negligible).

16 ... If the proposed development occurs and a deduction percentage of fifty percent
17 (50%) is assumed, the approximate current year tax rate for the site would be
18 \$3.1537/\$100 (the change would be negligible).

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20 and confirmed, or rescinded after public hearing and receipt by Common Council of the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

22 **SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the
23 deduction from the assessed value of the real property shall be for a period of ten years.

24 **SECTION 8.** That, the benefits described in the Petitioner's Statement of Benefits
25 can be reasonably expected to result from the project and are sufficient to justify the
26 applicable deductions.

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

29 **SECTION 10.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that
30 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



CITY OF FT WAYNE

12/2011

NOV 01 2012 *apj*

ECONOMIC REVITALIZATION AREA APPLICATION
CITY OF FORT WAYNE, INDIANA

APPLICATION IS FOR: (Check appropriate box(es))

- ☒ Real Estate Improvements
☐ Personal Property Improvements
☐ Vacant Commercial or Industrial Building

Total cost of real estate improvements: 5,800,000
Total cost of manufacturing equipment improvements: _____
Total cost of research and development equipment improvements: _____
Total cost of logistical distribution equipment improvements: _____
Total cost of information technology equipment improvements: _____

TOTAL OF ABOVE IMPROVEMENTS: 5,800,000

GENERAL INFORMATION

Real property taxpayer's name: OLD DOMINION FREIGHT LINE INC

Personal property taxpayer's name: _____

Telephone number: (336)889-5000

Address listed on tax bill: _____

Name of company to be designated, if applicable: _____

Year company was established: 01/10/1950

Address of property to be designated: 8231 Smith Rd (S OF)

Real estate property identification number: 02-12-32-300-004.000-074

Contact person name: PHILIP DANNER

Contact person telephone number: (336)822-5324 Contact person Email: philip.danner@odfl.com

Contact person address: 500 OLD DOMINION WAY; THOMASVILLE, NC 27360

List company officer and/or principal operating personnel

NAME	TITLE	ADDRESS	PHONE NUMBER
TERRY HUTCHINS	VP REAL ESTATE	500 OLD DOMINION WAY	(336)889-5000
MIKE WOOD	VP MIDWEST REG.	500 OLD DOMINION WAY	(336)889-5000
ROSS PARR	VP LEGAL AFFAIRS	500 OLD DOMINION WAY	(336)889-5000
JOHN BOOKER	VP CONTROLLER	500 OLD DOMINION WAY	(336)889-5000
PHILIP DANNER	RE CONSTR. MGR	500 OLD DOMINION WAY	(336)889-5000

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

NAME	PERCENTAGE
PUBLICALLY TRADED	

- ☐ Yes ☒ No Are any elected officials shareholders or holders of any debt obligation of the applicant or operating business? If yes, who? (name/title) _____
- ☒ Yes ☐ No Is the property for which you are requesting ERA designation totally within the corporate limits of the City of Fort Wayne?
- ☐ Yes ☒ No Is the property for which you are requesting ERA designation located in an Economic Development Target Area (EDTA)? (see attached map for current areas)
- ☐ Yes ☒ No Is the property for which you are requesting ERA designation located in a HUBzone? (see attached map 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: INTERSTATE COMMON MOTOR FREIGHT CARRIER FOR HIRE

In order to be considered an Economic Revitalization Area (ERA), the area must be within the corporate limits of the City of Fort Wayne and must have become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. It also includes any area where a facility or group of facilities that are technologically, economically, or energy obsolete is located and where the obsolescence may lead to a decline in employment and tax revenues.

How does the property for which you are requesting designation meet the above definition of an ERA?

Despite the completion of the Airport Expressway and other infrastructure improvements, the site under consideration has seen no additional development in the past 10 years. This project will contribute to the tax base and provide an opportunity for employment for area citizens.

REAL PROPERTY INFORMATION

Complete this section of the application if you are requesting a deduction from assessed value for real property improvements.

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

Describe the condition of the structure(s) listed above: N/A

Describe the improvements to be made to the property to be designated for tax abatement purposes: CONSTRUCTION OF A 70 DOOR STAT EOF THE ART FREIGHT SERVICE CENTER

Projected construction start (month/year): 10/2012

Projected construction completion (month/year): 4/2013

☐ Yes ☒ No Will construction result in Leadership in Energy and Environmental Design (LEED) certification by the U.S. Green Building Council?

☐ Yes ☒ No Will construction use techniques to minimize impact on combined sewer overflows? (i.e. rain gardens, bio swales, etc.)

PERSONAL PROPERTY INFORMATION

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)

☐ 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): _____

Equipment installation date (month/year): _____

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 offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

PUBLIC BENEFIT INFORMATION

EMPLOYMENT INFORMATION FOR FACILITY TO BE DESIGNATED

ESTIMATE OF EMPLOYEES AND PAYROLL FOR FORT WAYNE FACILITY REQUESTING ECONOMIC REVITALIZATION AREA DESIGNATION

Please be specific on job descriptions. To fill out information on occupation and occupation code, use data available through Occupation Employment Statistics for Fort Wayne
http://www.bls.gov/oes/current/oes_23060.htm

Current Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
SALARIED		7	540,000
CLERICAL		2	65,000
DOCK		2	85,000
DRIVER - P&D		16	900,000
DRIVER-LINEHAUL		9	640,000

Retained Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
ALL ABOVE			

Additional Full-Time Employment

Occupation	Occupation Code	Number of Jobs	Total Payroll
SALARIED		5	540,000
CLERICAL		2	65,000
DOCK		6	255,000
DRIVER - P&D		16	900,000
DRIVER-LINEHAUL		9	640,000

PUBLIC BENEFIT INFORMATION

Current Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
DOCK PT		4	75,000

Retained Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
ALL ABOVE			

Additional Part-Time or Temporary Jobs

Occupation	Occupation Code	Number of Jobs	Total Payroll
DOCK PT		2	35,000

Check the boxes below if the existing jobs and the jobs to be created will provide the listed benefits:

- | | | |
|--|--|--|
| ☒ Pension Plan | ☒ Major Medical Plan | ☒ Disability Insurance |
| ☐ Tuition Reimbursement | ☒ Life Insurance | ☒ Dental Insurance |

List any benefits not mentioned above: HEALTH SAVINGS & FLEXIBLE SPENDING ACCOUNTS

When will you reach the levels of employment shown above? (month/year): 1/2021

Fort Wayne, Indiana
Employment Information for Facility to be Designated

Current Employment

Subgrp	Subgrp Description	BLS Occupation Code	Headcount	Annual Wage
B1	S/C,Mnt,Safe Mgr F/T	11-1021	1	130,000.00
B3	Supervisor F/T	53-1031	4	205,000.00
C1	Clerical F/T	43-9061	2	65,000.00
D1	Driver L/H Miles F/T	53-3032	9	640,000.00
D5	Driver P&D F/T	53-3032	16	900,000.00
S7	Sales Rep F/T	41-3099	2	205,000.00
W1	Dock Workers F/T	53-3099	2	85,000.00
W2	Dock Workers P/T	53-3099	4	75,000.00
			40	

Retained Employment
ALL ABOVE

Additional Full Time Employment

B1	Asst S/C,Mnt,Safe Mgr F/T	11-1021	1	90,000.00
B3	Supervisor F/T	53-1031	2	120,000.00
C1	Clerical F/T	43-9061	2	65,000.00
D1	Driver L/H Miles F/T	53-3032	9	640,000.00
D5	Driver P&D F/T	53-3032	16	900,000.00
S7	Sales Rep F/T	41-3099	2	230,000.00
W1	Dock Workers F/T	53-3099	6	255,000.00
W2	Dock Workers P/T	53-3099	2	35,000.00
			40	

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)	.1% of total project cost not to exceed \$500
ERA filing fee (both real and personal property improvements)	.1% of total project cost not to exceed \$750
ERA filing fee (vacant commercial or industrial building)	\$500
ERA filing fee in an EDTA	\$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/Real Property 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.

Terry L Hutchins
Signature of Taxpayer/Owner

Terry L HUTCHINS VP Field Service & Real Estate
Printed Name and Title of Applicant

10-26-12
Date



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R2 / 1-07)

Prescribed by the Department of Local Government Finance

CITY OF FT WAYNE

20__ PAY 20__

FORM SB-1 / Real Property

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Eligible vacant building (IC 6-1.1-12.1-4.8)

COMMUNITY DEVL

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
- To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, Whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer OLD DOMINION FREIGHT LINE INC		
Address of taxpayer (number and street, city, state, and ZIP code) 500 OLD DOMINION WAY; THOMASVILLE, NC 27360		
Name of contact person PHILIP DANNER	Telephone number (336) 822-5324	E-mail address philip.danner@odfl.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body Fort Wayne Common Council	Resolution number 74
Location of property 8231 Smith Rd (S-05)	County Allen
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) CONSTRUCTION OF A 70 DOOR, STATE OF THE ART, FREIGHT SERVICE CENTER	Estimated start date (month, day, year) 10/15/2012 Estimated completion date (month, day, year) 04/30/2012

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
40.00	\$2,305,000.00	40.00	\$2,305,000.00	40.00	\$2,335,000.00

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
	Current values	
	Plus estimated values of proposed project	5,800,000.00
	Less values of any property being replaced	
Net estimated values upon completion of project	5,800,000.00	

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
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Other benefits _____

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative Long L / [Signature]	Title VP Freight Service, Inc	Date signed (month, day, year) 10-26-12
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Exhibit A

Part of the Southwest Quarter of Section 32, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

COMMENCING at a cast iron monument found and accepted as marking the Southwest corner of the Southwest Quarter of said Section 32, Township 30 North, Range 12 East; thence North 00 degrees 00 minutes 00 seconds East (assumed bearing and is used as the basis for the bearings in this description) along the West line of said Southwest Quarter and within the right-of-way of Smith Road, a distance of 1323.21 feet to a mag nail and disk stamped "Tazian Assoc. Firm #0020" set at the Northwest corner of a tract of land conveyed to Hondo Incorporated by deed recorded in Document Number 201051044 in the Office of the Recorder of Allen County, Indiana; thence South 89 degrees 56 minutes 30 seconds East, along the North line of said Hondo Incorporated tract of land, a distance of 1474.00 feet to a 5/8-inch rod found at the Northeast corner thereof; thence North 00 degrees 08 minutes 20 seconds East, a distance of 500.00 feet to a set 5/8-inch rod with "Tazian Assoc. Firm #0020" cap; thence North 89 degrees 56 minutes 30 seconds West, a distance of 1475.21 feet to a mag nail and disk stamped "Tazian Assoc. Firm #0020" set on the West line of said Southwest Quarter; thence South 00 degrees 00 minutes 00 seconds West, along said West line and within the right-of-way of Smith Road, a distance of 500.00 feet to the Point of Beginning, containing 16.93 acres of land, subject to legal right-of-way for Smith Road and subject to and/or together with all easements of record.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: **Declaratory Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Old Dominion Freight Line, Inc. is requesting the designation of an Economic Revitalization Area for real property improvements in the amount of \$5,800,000. In order to expand, Old Dominion Freight Line, Inc. will construct a new 70 door state of the art freight service center.**

EFFECT OF PASSAGE: **Constructing the building will allow Old Dominion Freight Line, Inc. to develop a site with no additional development in the past ten years and provide an opportunity for employment for area citizens. Thirty-eight full-time jobs and two part-time jobs will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development, thirty-eight full-time jobs, and two part-time jobs.**

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

ASSIGNED TO COMMITTEE (PRESIDENT): **Mitch Harper and John Shoaff**