

1 BILL NO. R-12-11-09

2 CONFIRMING RESOLUTION NO. R-_____

3
4 **A CONFIRMING RESOLUTION designating an**
5 **"Economic Revitalization Area" under I.C. 6-1.1-12.1 for**
6 **property commonly known as 8231 Smith Road (south**
7 **of), Fort Wayne, Indiana 46809 (Old Dominion Freight**
8 **Line, Inc.)**

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

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

14 **WHEREAS,** said project will create 38 full-time and 2 part-time, permanent jobs for a
15 total new, annual payroll of \$2,335,000, with the average new annual job salary being
16 \$58,375 and retain 36 full-time and 4 part-time, permanent jobs for a total current annual
17 payroll of \$2,305,000, with the average current, annual job salary being \$57,625; and

18 **WHEREAS,** the total estimated project cost is \$5,800,000; and

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

21 **WHEREAS,** notice of the adoption and substance of said Resolution has been
22 published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has
23 been conducted on said Resolution; and

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

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

28 **SECTION 2.** That, the hereinabove described property is hereby declared an
29 "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the
30 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 a deduction of the assessed value of 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 redevelopment or rehabilitation, 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:

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

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

(c) 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 \$3.1537/\$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 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

- A. The cost and description of real property improvements.
- B. The number of employees hired through the end of the preceding calendar year as a result of the deduction.
- C. The total salaries of the employees hired through the end of the preceding calendar year as a result of the deduction.
- D. The total number of employees employed at the facility receiving the deduction.
- E. The total assessed value of the real property deductions.
- F. 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.

Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

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: **Confirming 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 (CO-CHAIRS): **Mitch Harper and John Shoaff**