

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-
12.1 for property commonly known as 3201
Stellhorn Road, Fort Wayne, Indiana 46815
(BioPoly, 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 create three full-time, permanent jobs for a total new, annual payroll of \$104,000, with the average new annual job salary being \$34,667 and retain seven full-time, permanent jobs for a total current annual payroll of \$837,000, with the average current, annual job salary being \$119,571; and

WHEREAS, the total estimated project cost is \$111,675; and

WHEREAS, a recommendation has been received from the Committee on Finance on 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. 5-3-1 and a public hearing has been conducted on said Resolution.

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

SECTION 1. That, the Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1 regarding the failure to designate an area as an Economic Revitalization Area before installation of manufacturing and information technology equipment for which BioPoly, LLC desires to claim an Economic Revitalization Area deduction. Such waiver shall be in effect for personal property improvements during the period of October 18, 2012 through the date of this resolution and is granted through the authority of I.C. 6-1.1-31-1 and 50 I.A.C 10-4-1 (a)(2) and (3).

SECTION 2. That, the Resolution previously designating the above described property as an "Economic Revitalization Area" is confirmed in all respects.

SECTION 3. 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

1 effective date of this Resolution and shall terminate on December 31, 2016, unless otherwise
2 automatically extended in five year increments per I.C. 6-1.1-12.1-9.

3 **SECTION 4.** That, said designation of the hereinabove described property as an
4 "Economic Revitalization Area" shall apply to a deduction of the assessed value of personal
5 property for new manufacturing and information technology equipment.

6 **SECTION 5.** That, the estimate of the number of individuals that will be employed
7 or whose employment will be retained and the estimate of the annual salaries of those
8 individuals and the estimate of the value of the new manufacturing and information
9 technology equipment, all contained in Petitioner's Statement of Benefits are reasonable and
10 are benefits that can be reasonably expected to result from the proposed described
11 installation of the new manufacturing and information technology equipment.

12 **SECTION 6.** The current year approximate tax rates for taxing units within the
13 City would be:

14 ... If the proposed new manufacturing and information technology equipment is not
15 installed, the approximate current year tax rates for this site would be
16 \$3.0422/\$100.

17 ... If the proposed new manufacturing and information technology equipment is
18 installed and no deduction is granted, the approximate current year tax rate for
19 the site would be \$3.0422/\$100 (the change would be negligible).

20 ... If the proposed new manufacturing and information technology equipment is
21 installed, and a deduction percentage of eighty percent (80%) is assumed, the
22 approximate current year tax rate for the site would be \$3.0422/\$100 (the
23 change would be negligible).

24 **SECTION 7.** Pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction
25 from the assessed value of the new manufacturing and information technology equipment
26 shall be for a period of ten years.

27 **SECTION 8.** The benefits described in the Petitioner's Statement of Benefits can be
28 reasonably expected to result from the project and are sufficient to justify the applicable
29 deductions.

30 **SECTION 9.** For new manufacturing and information technology equipment, 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 and submitted along with the deduction application at the time of filing.

SECTION 10. The performance report must contain the following information

- (a) The cost and description of real property improvements and/or new manufacturing and information technology equipment acquired.
- (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 and/or personal property deductions.
- (f) 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 said 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 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.

Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Confirming Resolution

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: BioPoly, LLC is requesting the designation of an Economic Revitalization Area for personal property improvements in the amount of \$111,675. In order to expand, BioPoly, LLC will replace obsolete equipment with a Direct Compression Molding Press, Portable Chiller, and Data Acquisition Equipment to help with molding new lines of implants

EFFECT OF PASSAGE: Installing the new equipment will allow BioPoly, LLC to stay competitive in the market and replace obsolete equipment. Three full-time jobs will be created.

EFFECT OF NON-PASSAGE: Potential loss of development and three 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

PLAT OF SURVEY CONTINUED

NEW DESCRIPTION OF REAL ESTATE

A portion of the real estate described in Section 20, Township 23 North, Range 3 East, Allen County, Indiana, is described as follows: A portion of the real estate described in Section 20, Township 23 North, Range 3 East, Allen County, Indiana, is described as follows: A portion of the real estate described in Section 20, Township 23 North, Range 3 East, Allen County, Indiana, is described as follows:

...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows: ...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows: ...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows:

ADJACENT DESIGNATION

...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows: ...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows: ...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows:

LAND SURVEYOR'S REPORT

...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows: ...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows: ...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows:

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MISCELLANEOUS NOTES

...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows: ...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows: ...the corner of the section 20, township 23 north, range 3 east, allen county, indiana, is described as follows:

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ORIGINAL BOUNDARY SURVEY FOR:
NORTHEAST INDIANA INNOVATION CENTER
N.E. COR. ST. JOSEPH RD. & STELLHORN RD.
PT. S.W. 1/4, SEC. 20, T31N, R13E, 2ND P.M.
ALLEN COUNTY, FORT WAYNE, IN

Innovation Center
of Northeast Indiana

ENGINEERING, LLC
SOLUTIONS PROVIDED • PROBLEMS SOLVED

EXHIBIT A

