BILL NO. R-13-02-09

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 5201 Investment Drive, Fort Wayne, Indiana 46808 (Accelerated Tanks and Trailers)

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 277 full-time, permanent jobs for a total new, annual payroll of $13,332,342, with the average new annual job salary being $48,131 and retain twenty-three full-time, permanent jobs for a total current annual payroll of $1,107,017, with the average current, annual job salary being $48,131; and

WHEREAS, the total estimated project cost is $4,164,500; 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.

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 the initiation of development for which Accelerated Tanks and Trailers desires to claim an Economic Revitalization Area deduction. Such waiver shall be in effect for real and personal property improvements during the period of September 1, 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 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 4. 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 and personal property for new manufacturing, logistical distribution, and information technology equipment.

SECTION 5. 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 redevelopment or rehabilitation and estimate of the value of the new manufacturing, logistical distribution, and information technology equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing, logistical distribution, and information technology equipment.

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

- 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 does occur 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).
- If the proposed new manufacturing, logistical distribution, and information technology equipment is not installed, the approximate current year tax rates for this site would be $3.0261/$100.
- If the proposed new manufacturing, logistical distribution, and information technology equipment is installed 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 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 7. That, 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, and that the deduction from the assessed value of the new manufacturing, logistical distribution, and information technology equipment shall be for a period of ten years.

SECTION 8. That, 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 9. For new manufacturing, logistical distribution, 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. 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 in 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 11. The performance report must contain the following information:

- The cost and description of real property improvements and/or new manufacturing, logistical distribution, and information technology equipment acquired.
- 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 and/or personal property deductions.
- The tax savings resulting from the real and/or personal property being abated.

SECTION 12. That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

SECTION 13. 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 14. 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

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Carol Helton, City Attorney

Admn. Appr.______________

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Accelerated Tanks and Trailers is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of $4,164,500. Accelerated Tanks and Trailers will install new equipment and make necessary improvements to the building including a roof repair, HVAC, an upgraded fire system, and complete office renovation.**

EFFECT OF PASSAGE: **Installing new equipment and refurbishing the structure will allow Accelerated Tanks and Trailers to return the facility to a productive operation while also providing job opportunities to area citizens.**

EFFECT OF NON-PASSAGE: **Potential loss of development and 277 full time jobs.**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **John Crawford and Tom Smith**

Exhibit A

5-22-1-177
INTERSTATE INDUS PK SEC F
BLOCK 15A EX R/W

Exhibit B

F & H Associates, LLC
217 E. Railroad St., PO Box 299
Garrett, IN 46738
(260) 357-5184 Garrett, (260) 637-5528 Ft. Wayne
(260) 357-5900 Fax Line

December 20, 2012

Allen County City Council

RE: 5201 Investment Drive
Fort Wayne, IN

To Whom it May Concern:

F&H Associates, LLC is aware that Accelerated Tanks is seeking abatement of real estate property taxes at 5201 Investment Drive in Fort Wayne. We approve of the proposed improvements that will be made to the property.

Walter G. Fuller, Partner
F&H Associates, LLC