BILL NO. R-13-03-11

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 1036 St. Mary's Avenue, Fort Wayne, Indiana 46808 (AMCO, Inc. d/b/a Applied Metals & Machine Works, 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 create six full-time, permanent jobs for a total new, annual payroll of $245,550, with the average new annual job salary being $40,925 and will retain twenty-four full-time and one part-time, permanent jobs for a total current annual payroll of $1,002,623, with the average current, annual job salary being $40,105; and

WHEREAS, the total estimated project cost is $500,000; 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.

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 a deduction of the assessed value of real estate and personal property for new manufacturing equipment.

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 redevelopment or rehabilitation and estimate of the value of the new manufacturing 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 equipment.

SECTION 5. 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 $3.1537/$100.
- If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be $3.1537/$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 $3.1537/$100 (the change would be negligible).
- If the proposed new manufacturing equipment is not installed, the approximate current year tax rates for this site would be $3.1537/$100.
- If the proposed new manufacturing equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be $3.1537/$100 (the change would be negligible).
- If the proposed new manufacturing equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be $3.1537/$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 real property shall be for a period of ten years, and that the deduction from the assessed value of the new manufacturing equipment shall be for a period of ten years.

SECTION 7. 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 8. For new manufacturing 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 9. 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 10. The performance report must contain the following information:

- The cost and description of real property improvements and/or new manufacturing 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 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 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 A LEGALITY

____
Carol Helton, City Attorney

EXHIBIT A

DONOVAN ENGINEERING, INC.
2020 Inwood Drive
Executive Park
Fort Wayne, Indiana 46815

Date: December 23, 1998

Job for: Ecenbarger

Legal Description: Pt. Ewing's Outlot #19 - Sec. 3-30-12, Allen Cty., In., 0.73 ac.

Address: #1036 St. Mary's Ave.

1) In accordance with Title 865, Article 1, Rule 12, Section 1 through 29, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

A) Random Errors in Measurement (Theoretical Uncertainty);
B) Variances in the reference monuments;
C) Discrepancies in record descriptions and plats;
D) Inconsistencies in lines of occupation;

A) The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established on this survey is within the specifications for a Class "C" Survey (0.5 feet) as defined in IAC 865.

B) No variances in the reference monuments.

C) No discrepancies in record descriptions and plats.

D) No inconsistencies in lines of occupation.

The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Donovan Engineering, Inc. should be notified of any additions or revisions that may be required.

2) Distances between property corners conform to the dimensions on the recorded plat amd deed (Document #92-003984) and with previous surveys by John R. Donovan last dated 1-9-92.

The NW and SW property corners are located 17.0 ft. East of the 32 ft. wide pavement of St. Mary's Ave.

The NW and NE property corners are located 50 ft. South of the center of the main track of the railroad.

The SW property corner is located on the North edge of a 10 ft. wide gravel alley.

The ½" iron pin was found 0.6 ft. North of the SE property corner. The SW property corner is located 298.4 ft. (measured and plat) North of the North right of way line of Burgess St. (26 ft. wide pavement centered within a 66 ft. wide right of way).

A ½" iron pin is located 1.83 ft. North of the SW corner of the N½ of the vacated alley and 2.5 ft. North of the SE corner of the N½ of the vacated alley.

The North and South property lines were established as being parallel to the center-line of the main tracts of the railroad.

A survey dated 10-07-76 by John R. Donovan on Lot #75 was used as a reference.

The plat of Pape's 3rd Add. was used as a reference.

EXHIBIT A

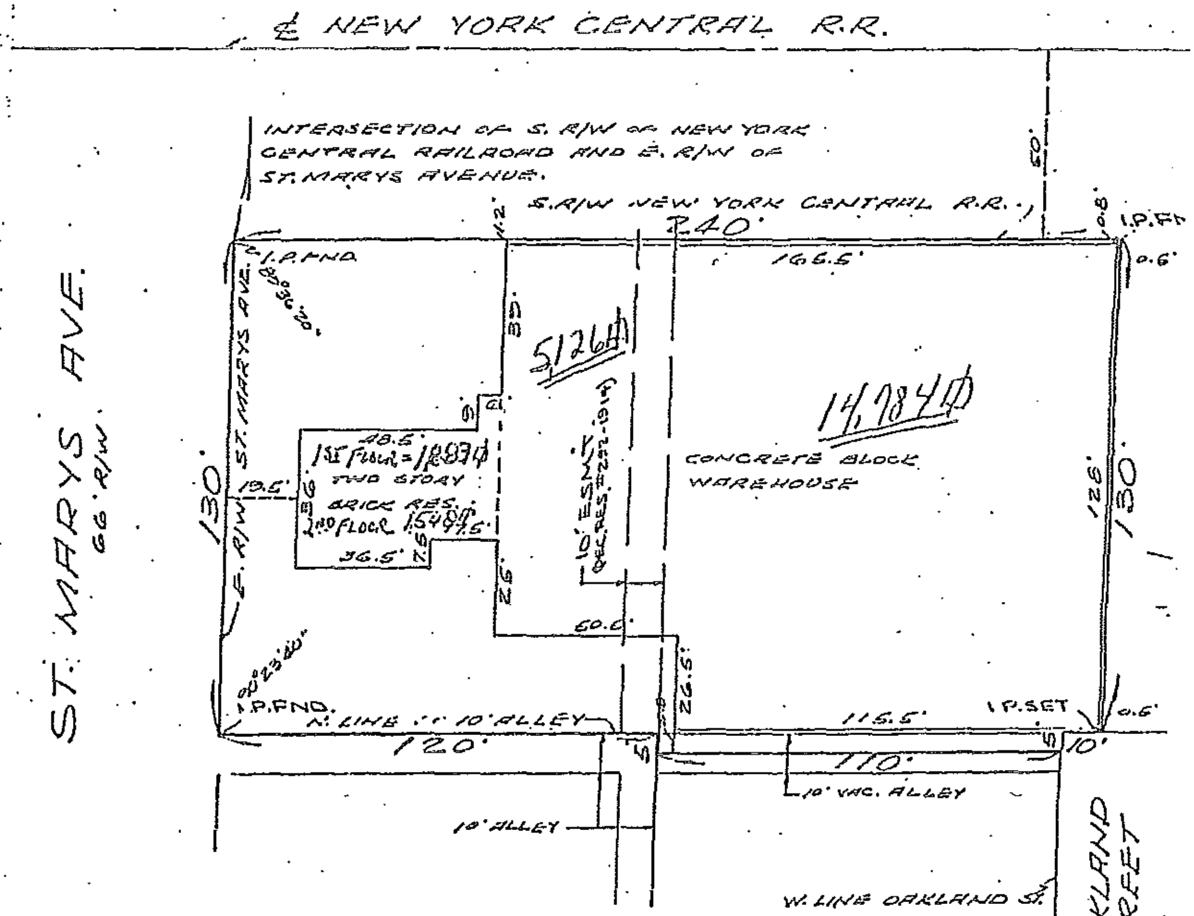
CERTIFICATE OF SURVEY

OFFICE OF: JOHN R. DONOVAN
REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: SEE ATTACHED SHEET



NOTE: According to the Flood Insurance Rate Map (FIRM), number 180003 0015B, dated April 3, 1985, the herein described real estate is located in Zone "A-8" and is in a flood hazard area.

WAREHOUSE 19,910 ⌀
OFFICE 1,883 ⌀
APARTMENT 1,548 ⌀
TOTAL 23,341 ⌀

RE-CERTIFIED 1-6-87

JOB FOR: WERMUTH ENTERPRISE INC.
BROXON - MILLER

REV. 10-23-78
REV 1-6-87

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA LAND SURVEYOR

EXHIBIT A

LEGAL DESCRIPTION

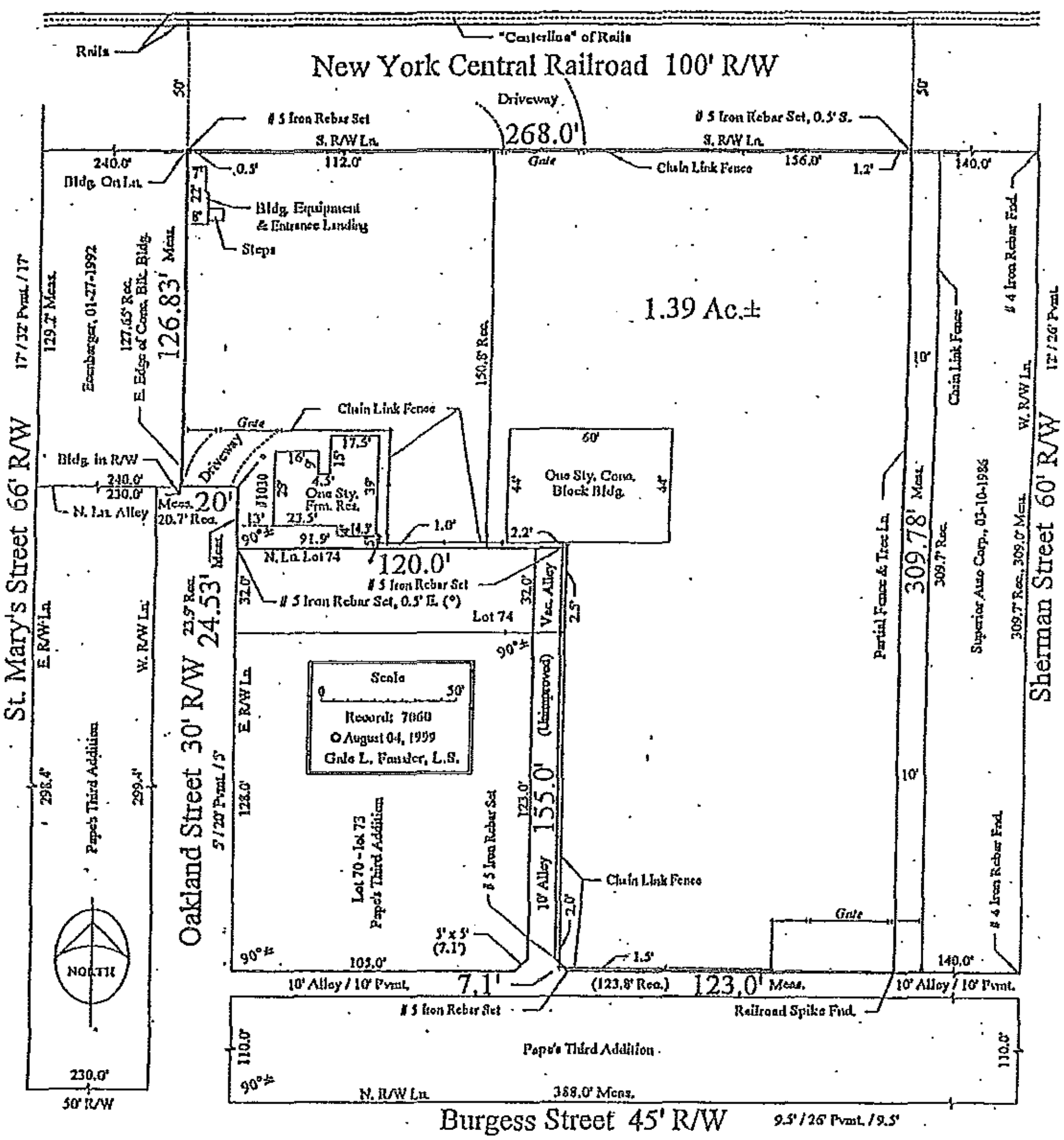
Commencing at a point on the South right of way line of the New York Central Railroad, a distance of 140 feet west of the point of intersection of said right of way line with the west line of Sherman Street; thence southerly along the line a distance of 309.7 feet to a point in the north line of the 10-foot alley in the rear of Lots 59 to 62 in Pape's Third Addition to the City of Fort Wayne, Indiana, said point being 140 feet west of the point of intersection of the north line of said Alley with the west line of Sherman Street; thence westerly along said north line of the 10-foot alley, a distance of 123.8 feet to a point, said point being 5 feet east of the east line of the 10-foot alley in the rear of Lots 70 to 74 in said Pape's Third Addition; thence northwesterly along a line 7.1 feet to a point in the east line of the last described alley, said point being 5 feet north of the 10-foot alley at the rear of lots 59 to 69 in said Pape's Third Addition, thence northerly along the east line of said 10-foot alley in the rear of lots 70 to 74 in said Pape's Third Addition a distance of 155 feet to its point of intersection with the north line of lot 74 produced easterly; thence westerly along the last described line 28.1 feet to a point; thence Northerly 150.8 feet along a line to its point of intersection with the south right of way line of the New York Central Railroad, said point being 296 feet west of the point of intersection of said right of way line with the west line of Sherman Street; thence easterly along said south right of way line a distance of 156 feet to the place of beginning.

ALSO:
Commencing at a point in the east line of Oakland Street 280 feet north of the north line of Burgess Street, dimensions on said streets being as platted in Pape's Third Addition to the City of Fort Wayne, Indiana, said point being the northwest corner of Lot 74 in said Addition; thence easterly along the north line of said Lot 74 a distance of 91.9 feet to a point at the southeast corner of the tract herein described; thence northerly along a straight line 150.8 feet to its point of intersection with the south right of way line of the New York Central Railroad; said point being 296 feet west of the intersection of said right of way line with the west line of Sherman Street; thence westerly along said right of way line a distance of 112 feet to a point at the northwest corner of the tract herein described; thence south on a line 127.65 feet to it point of intersection with the north line of the 10-foot alley which is north of lots 90 and 74 in said Pape's Third Addition, said line being produced easterly; thence easterly along the north line of said alley produced a distance of 20.7 feet to its point of intersection with the east line of said Oakland Street thence south 23.9 feet along said east line of Oakland Street to the place of beginning.

EXHIBIT A

Gale L. Fansler, L.S.
Registered Land Surveyor
5410 Hartford Drive
Fort Wayne, Indiana 46835
219-484-2468

This is The Property I want to Develope



This survey was performed wholly by me or under my direct supervision, and to the best of my knowledge and belief was executed according to survey requirements in Title 865 IAC 1-12.

GALE L. FANSLER REGISTERED No. S0532 STATE OF INDIANA LAND SURVEYOR

Gale L. Fansler, L.S. S-0532

For: Thomas M. Fishering
Field date: August 4, 1999
Date: August 9, 1999
Record: 7060RDS

Admn. Appr.____________

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Applied Metals & Machine Works, Inc. is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of $500,000. In order to expand, Applied Metals & Machine Works, Inc. will construct a new building and parking lot while also purchasing and installing new manufacturing equipment.**

EFFECT OF PASSAGE: **Completing the real and personal property improvements will allow Applied Metals & Machine Works, Inc. to increase their business with improved technology while hiring additional employees. Six full-time jobs will be created.**

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

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

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