BILL NO. R-13-03-21

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 8320 Clinton Park Drive, Fort Wayne, Indiana 46825 (Highmark Technologies 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 result in the occupation of an eligible vacant building under I.C. 6-1.1-12.1-4.8; and

WHEREAS, said project will create five full-time and two part-time, permanent jobs for a total new, annual payroll of $277,000, with the average new annual job salary being $39,571 and retain eleven full-time and five part-time, permanent jobs for a total current annual payroll of $743,000, with the average current, annual job salary being $46,438; and

WHEREAS, the total estimated project cost is $776,000; 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; and

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, The Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

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 both a deduction of the assessed value of occupation of an eligible vacant building, real estate, and personal property for new manufacturing, research and development, logistical distribution, and information technology 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 the value of the occupation of the eligible vacant building and estimate of the value of the occupation of the eligible vacant building and the value of the redevelopment or rehabilitation of the eligible vacant building and estimate of the value of the new manufacturing, research and development, 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, research and development, logistical distribution, and information technology equipment.

SECTION 5. The current year approximate tax rates for taxing units within the City would be:

- If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be $3.0422/$100.
- If the proposed occupation of the eligible vacant building occurs and no deduction is granted, the approximate current tax rate for the site would be $3.0422/$100 (the change would be negligible).
- If the proposed occupation of the eligible vacant building occurs, and a deduction percentage of fifty percent (50%) is assumed, the approximate current year tax rate for this would be $3.0422/$100 (the change would be negligible).
- If the proposed development does not occur, the approximate current year tax rates for this site would be $3.0422/$100.
- If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be $3.0422/$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 $3.0422/$100 (the change would be negligible).
- If the proposed new manufacturing, research and development, logistical distribution, and information technology equipment is not installed, the approximate current year tax rates for this site would be $3.0422/$100.
- If the proposed new manufacturing, research and development, logistical distribution, and information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be $3.0422/$100 (the change would be negligible).
- If the proposed new manufacturing, research and development, 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 $3.0422/$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 eligible vacant building shall be for a period of one year and 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, research and development, logistical distribution, and information technology 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, research and development, 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 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, research and development, 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 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 AND LEGALITY

____

Carol Helton, City Attorney

Admn. Appr.____________

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **Highmark Technologies LLC is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of $776,000. In order to expand, Highmark Technologies LLC will expand a vacant industrial building while also installing manufacturing, research and development, logistical distribution, and information technology equipment.**

EFFECT OF PASSAGE: **Installing new equipment and expanding the structure will allow Highmark Technologies LLC to strategically plan for the future. Five full-time jobs will be created.**

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

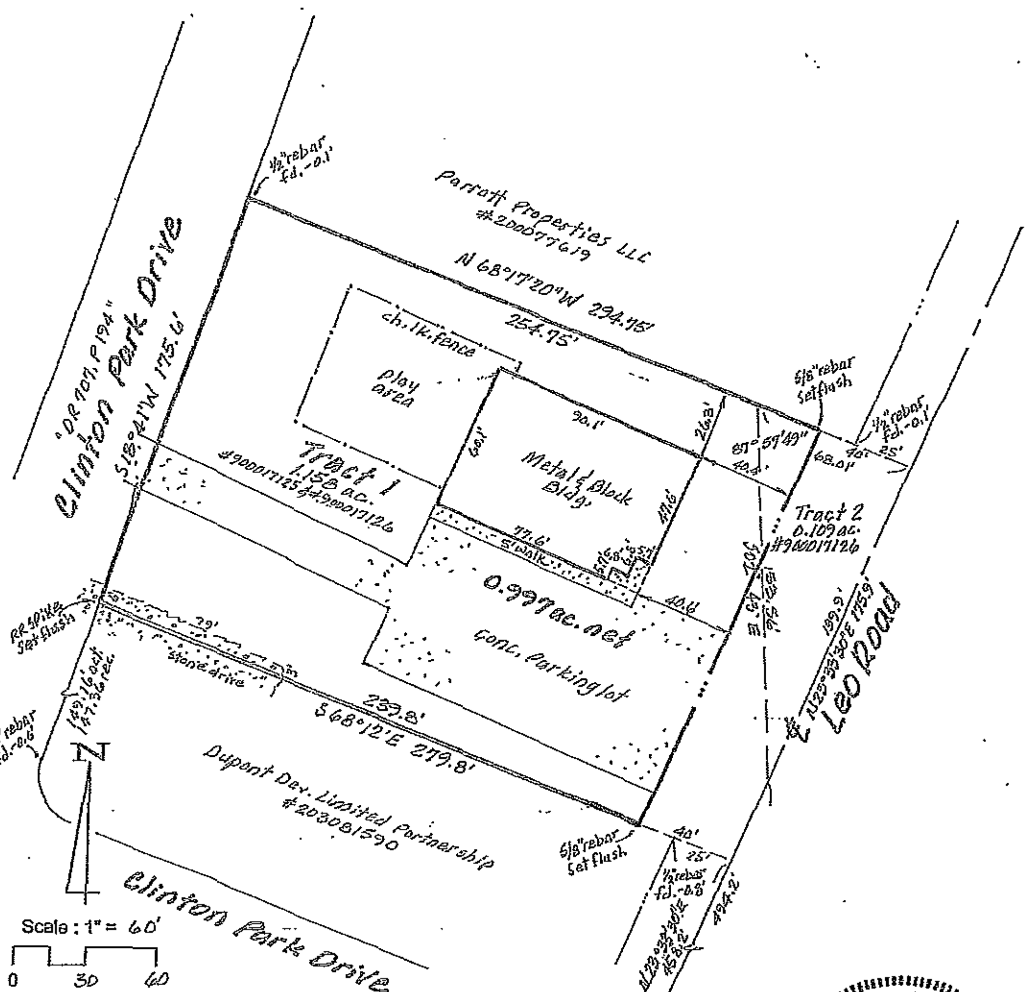
EXHIBIT A

FAUST LAND SURVEYING, LLC

P.O. BOX 503
HUNTERTOWN, IN 46748
260-471-5337
CELL 260-444-8874
faustsurveying@aol.com

CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of SUBJECT County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated. I hereby certify that the survey was wholly performed under my supervision, that I am a registered Land Surveyor in Indiana, and to the best of my knowledge and belief, this Survey was executed according to the survey requirements in 865 IAC 1-12-13, as amended.



Field work completed on 7-12-12

S. line, NE¼, Sec. 7-31-13

This property is in Zone X as the description plots by scale on Flood Insurance Rate Map 18003C0186G effective 8-3-09

SURVEY NO.: 12-7-23

SURVEYED FOR: Means

DATE: 7-12-12

SAM L. FAUST
REGISTERED LAND SURVEYOR NO. S0540

SAM L. FAUST REGISTERED No. S0540 STATE OF INDIANA LAND SURVEYOR

FAUST LAND SURVEYING, LLC

P.O. BOX 509
HUNTERTOWN, IN 46748
260-471-6367
CELL 260-444-8874
faustsurveying@aol.com

CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of SUBJECT County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated. I hereby certify that the survey was wholly performed under my supervision, that I am a registered Land Surveyor in Indiana, and to the best of my knowledge and belief, this Survey was executed according to the survey requirements in 865 IAC 1-12-13, as amended.

DESCRIPTION OF REAL ESTATE

Tract 1

Part of the Northeast Quarter of Fractional Section 7, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

BEGINNING on the centerline of Leo Road at a point situated 458.2 feet, North 23 degrees 33 minutes 30 seconds East (adjoining deed bearing and is used as the basis for the bearings in this description) from the point of intersection of said centerline with the South line of said Northeast Quarter; thence North 23 degrees 33 minutes 30 seconds East, on and along said centerline, a distance of 175.9 feet; thence North 68 degrees 17 minutes 20 seconds West, a distance of 294.75 feet to a point on the Easterly right-of-way line of that certain tract of land dedicated for roadway purposes as Clinton Park Drive in Deed Record 707, page 194 in the Office of the Recorder of Allen County, Indiana; thence South 18 degrees 41 minutes West, on and along said Easterly right-of-way line, a distance of 175.6 feet; thence South 68 degrees 12 minutes East, a distance of 279.8 feet to the point of beginning, said in previous deeds to contain 1.158 acres of land, EXCEPTING therefrom the East 40 feet thereof.

EXCEPTING certain real estate described as follows:

Part of the Northeast Quarter of Fractional Section 7, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

BEGINNING on the centerline of Leo Road at a point situated 494.2 feet, North 23 degrees 33 minutes 30 seconds East (adjoining deed bearing and is used as the basis for the bearings in this description) from the point of intersection of said centerline with the South line of said Northeast Quarter; thence North 23 degrees 33 minutes 30 seconds East, on and along said centerline, a distance of 139.9 feet; thence North 68 degrees 17 minutes 20 seconds West, a distance of 68.01 feet; thence South 02 degrees 43 minutes East, a distance of 153.56 feet to the point of beginning, EXCEPTION said to contain 0.109 acres of land.

Tract 2

Part of the Northeast Quarter of Fractional Section 7, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

BEGINNING on the centerline of Leo Road at a point situated 494.2 feet, North 23 degrees 33 minutes 30 seconds East (adjoining deed bearing and is used as the basis for the bearings in this description) from the point of intersection of said centerline with the South line of said Northeast Quarter; thence North 23 degrees 33 minutes 30 seconds East, on and along said centerline, a distance of 139.9 feet; thence North 68 degrees 17 minutes 20 seconds West, a distance of 68.01 feet; thence South 02 degrees 43 minutes East, a distance of 153.56 feet to the POINT OF BEGINNING, said in previous deeds to contain 0.109 acres of land, EXCEPTING therefrom the East 40 feet thereof.

Property Address: 8320 Clinton Park Drive, Fort Wayne, Indiana 46825

Under Title 865, Article 1, Chapter 12, Section 1, etc. seq. of the Indiana Administrative Code, as amended, the following report is submitted with regard to:

Survey Number:	12-07-23
Located at:	8320 Clinton Park Drive, Fort Wayne, Indiana 46825
Referenced Documents Include:	Deeds for subject tract and adjoining tracts and title commitment dated June 2, 2012 at 8:00 a.m.

**A. Availability of reference monuments: As shown on the survey certificate.

**B. Occupational/possession lines: Fence lines as shown on the survey certificate. South adjoiner's stone drive appears to extend from three (3) feet to six (6) feet North of the South line of subject tract.

**C. Clarity or ambiguity of record description: No ambiguity found.

**D. Relative Positional Accuracy: The Relative Positional Accuracy due to random errors in measurements for establishing the corners of this survey is less than or equal to the specifications for a Suburban survey as defined in IAC 865.

**E. Establishing lines and corners: Existing survey monuments were used to establish the property lines for this survey. Corners of subject tract are marked as shown on the survey certificate in conformity with said survey monuments and record dimensions. The locational dependency of the corner monuments of this survey is subject to undiscovered evidence and therefore the variance of each corner monument is indeterminable.

**F. Notes: The description of record was perpetuated unchanged.