

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2050 E. Dupont Road, Fort Wayne, Indiana 46825 (BioScan, 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 two full-time and two part-time, permanent jobs for a total new, annual payroll of \$170,000, with the average new annual job salary being \$42,500 and retain seven full-time and two part-time, permanent jobs for a total current annual payroll of \$405,000, with the average current, annual job salary being \$45,000; and

WHEREAS, the total estimated project cost is \$1,500,000; 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. 5-3-1 and a public hearing has been conducted on said Resolution; and

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 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

1 building and estimate of the value of the new information technology equipment, all contained in
2 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to
3 result from the proposed described installation of the new information technology equipment.

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

5 ... If the proposed occupation of the eligible vacant building does not occur, the approximate
6 current year tax rates for this site would be \$3.0422/\$100.

7 ... If the proposed occupation of the eligible vacant building occurs and no deduction is granted,
8 the approximate current tax rate for the site would be \$3.0422/\$100 (the change would be
9 negligible).

10 ... If the proposed occupation of the eligible vacant building occurs, and a deduction percentage
11 of fifty percent (50%) is assumed, the approximate current year tax rate for this would be
12 \$3.0422/\$100 (the change would be negligible).

13 ... If the proposed development does not occur, the approximate current year tax rates for this
14 site would be \$3.0422/\$100.

15 ... If the proposed development does occur and no deduction is granted, the approximate
16 current year tax rate for the site would be \$3.0422/\$100 (the change would be negligible).

17 ... If the proposed development occurs, and a deduction percentage of fifty percent (50%) is
18 assumed, the approximate current year tax rate for the site would be \$3.0422/\$100 (the
19 change would be negligible).

20 ... If the proposed new information technology equipment is not installed, the approximate
21 current year tax rates for this site would be \$3.0422/\$100.

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

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

28 **SECTION 6.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from
29 the assessed value of the eligible vacant building shall be for a period of one year and the deduction from
30 the assessed value of the real property shall be for a period of 10 years, and that the deduction from the
assessed value of the new information technology equipment shall be for a period of 10 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 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

1 Division and must be included with the deduction application. For subsequent years, the performance
2 report must be updated and submitted along with the deduction application at the time of filing.

3 **SECTION 9.** For real property, a deduction application must contain a performance report
4 showing the extent to which there has been compliance with the Statement of Benefits form approved by
5 the Fort Wayne Common Council at the time of filing. This report must be submitted to the Allen County
6 Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in
7 the deduction application. For subsequent years, the performance report must be updated each year in
8 which the deduction is applicable at the same time the property owner is required to file a personal
9 property tax return in the taxing district in which the property for which the deduction was granted is
10 located. If the taxpayer does not file a personal property tax return in the taxing district in which the
11 property is located, the information must be provided by May 15.

12 **SECTION 10.** The performance report must contain the following information:

- 13 . The cost and description of real property improvements and/or new information technology
14 equipment acquired.
- 15 . The number of employees hired through the end of the preceding calendar year as a result of
16 the deduction.
- 17 . The total salaries of the employees hired through the end of the preceding calendar year as a
18 result of the deduction.
- 19 . The total number of employees employed at the facility receiving the deduction.
- 20 . The total assessed value of the real and/or personal property deductions.
- 21 . The tax savings resulting from the real and/or personal property being abated.

22 **SECTION 11.** That, the taxpayer is non-delinquent on any and all property tax due to
23 jurisdictions within Allen County, Indiana.

24 **SECTION 12.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a
25 deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as
26 determined by the county auditor in accordance with section 12 of said chapter if the property owner
27 ceases operations at the facility for which the deduction was granted and if the Common Council finds that
28 the property owner obtained the deduction by intentionally providing false information concerning the
29 property owner's plans to continue operation at the facility.
30

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

LOT NUMBER 11 IN REINIG'S SUBURBAN ADDITION, AS RECORDED IN PLAT RECORD 17, PAGE 44, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA.

EXCEPT:

A PART OF LOT NUMBER 11 IN REINIG'S SUBURBAN ADDITION, A SUBDIVISION IN THE FRACTIONAL NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, THE PLAT OF WHICH SUBDIVISION IS RECORDED IN PLAT RECORD 17, PAGE 44, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 2 DEGREES 51 MINUTES 01 SECONDS EAST 28.70 FEET ALONG THE EAST LINE OF SAID LOT; THENCE SOUTH 88 DEGREES 31 MINUTES 16 SECONDS WEST 18.38 FEET; THENCE NORTH 80 DEGREES 10 MINUTES 08 SECONDS WEST 83.63 FEET TO THE WEST LINE OF SAID LOT; THENCE NORTH 2 DEGREES 51 MINUTES 01 SECONDS WEST 12.26 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 88 DEGREES 30 MINUTES 18 SECONDS EAST 100.00 FEET ALONG THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING AND CONTAINING 2198 SQUARE FEET, MORE OR LESS.

ALSO EXCEPT:

A PART OF LOT NUMBER 11 IN REINIG'S SUBURBAN ADDITION, AN ADDITION IN THE NORTH 435.6 FEET OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 31 NORTH, RANGE 13 EAST, ALLEN COUNTY, INDIANA, THE PLAT OF WHICH ADDITION IS RECORDED IN PLAT RECORD 17, PAGE 44, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT, SOUTH 3 DEGREES 03 MINUTES 57 SECONDS EAST 12.32 FEET FROM THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 80 DEGREES 27 MINUTES 48 SECONDS EAST 83.62 FEET ALONG THE SOUTHWESTERN BOUNDARY OF DUPONT ROAD TO THE SOUTH BOUNDARY OF DUPONT ROAD; THENCE SOUTH 87 DEGREES 19 MINUTES 29 SECONDS WEST 81.60 FEET TO THE WEST LINE OF SAID LOT; THENCE NORTH 3 DEGREES 03 MINUTES 57 SECONDS WEST 17.69 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, AND CONTAINING 722 SQUARE FEET, MORE OR LESS.

ALSO EXCEPT:

RIGHT-OF-WAY DESCRIPTION MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF LOT NUMBERED 11 IN REINIG'S SUBURBAN ADDITION, AS RECORDED IN THE PLAT THEREOF IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT NUMBERED 11; THENCE SOUTH 02 DEGREES 51 MINUTES 01 SECONDS EAST (A RECORDED BEARING OF NORTH 88 DEGREES 30 MINUTES 18 SECONDS EAST FOR THE NORTH LINE OF SAID LOT NUMBERED 11 IS UTILIZED AS THE BASIS FOR ALL BEARINGS RELATIVE THIS DESCRIPTION) ALONG THE EAST LINE OF SAID LOT NUMBERED 11, 28.70 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE DUPONT ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING

EXHIBIT A

FOR THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 02 DEGREES 51 MINUTES 01 SECONDS EAST ALONG THE EAST LINE OF SAID LOT NUMBERED 11, 11.31 FEET TO A POINT; THENCE SOUTH 88 DEGREES 30 MINUTES 18 SECONDS WEST, 100.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT NUMBERED 11; THENCE NORTH 02 DEGREES 51 MINUTES 01 SECONDS WEST ALONG SAID WEST LINE, 10.00 FEET TO THE SOUTHWEST CORNER OF AN ALLEN COUNTY RIGHT-OF-WAY PARCEL (DOCUMENT #205006949); THENCE NORTH 87 DEGREES 19 MINUTES 29 SECONDS EAST ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY PARCEL (DOCUMENT #205006949), 81.80 FEET TO THE SOUTHEAST CORNER OF SAID ALLEN COUNTY RIGHT-OF-WAY PARCEL (DOCUMENT # 205005949); THENCE NORTH 89 DEGREES 39 MINUTES 42 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF DUPONT ROAD, 18.39 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.025 ACRES OF LAND, MORE OR LESS.