

BILL NO. R-13-04-04

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 4429 Allen
Martin Drive, Fort Wayne, Indiana 46806 (EFTT
Equities, LLC d/b/a Earth First)**

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 fourteen full-time, permanent jobs for a total new, annual payroll of \$517,813, with the average new annual job salary being \$36,987 and retain 27 full-time, permanent jobs for a total current annual payroll of \$1,135,000, with the average current, annual job salary being \$42,037; and

WHEREAS, the total estimated project cost is \$1,931,512; 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 the initiation of development for which EFTT Equities, LLC desires to claim an Economic Revitalization Area deduction. Such waiver shall be in effect for real property improvements during the period of December 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.

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

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

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

12 (a) If the proposed development does not occur, the approximate current year tax
13 rates for this site would be \$3.0637/\$100.

14 (b) If the proposed development does occur and no deduction is granted, the
15 approximate current year tax rate for the site would be \$3.0637/\$100 (the
16 change would be negligible).

17 (c) If the proposed development occurs, and a deduction percentage of fifty percent
18 (50%) is assumed, the approximate current year tax rate for the site would be
19 \$3.0637/\$100 (the change would be negligible).

20 (d) If the proposed new manufacturing equipment is not installed, the approximate
21 current year tax rates for this site would be \$3.0637/\$100.

22 (e) If the proposed new manufacturing equipment is installed and no deduction is
23 granted, the approximate current year tax rate for the site would be
24 \$3.0637/\$100 (the change would be negligible).

25 (f) If the proposed new manufacturing equipment is installed and a deduction
26 percentage of eighty percent (80%) is assumed, the approximate current year
27 tax rate for the site would be \$3.0637/\$100 (the change would be negligible).

28 **SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the
29 deduction from the assessed value of the real property shall be for a period of seven years,
30 and that the deduction from the assessed value of the new manufacturing equipment shall be
for a period of five years.

SECTION 8. 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 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

1 filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort
2 Wayne's Community Development Division and must be included with the deduction
3 application. For subsequent years, the performance report must be updated and submitted
4 along with the deduction application at the time of filing.

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

15 **SECTION 11.** The performance report must contain the following information

- 16 (a) The cost and description of real property improvements and/or new
17 manufacturing equipment acquired.
18 (b) The number of employees hired through the end of the preceding calendar year
19 as a result of the deduction.
20 (c) The total salaries of the employees hired through the end of the preceding
21 calendar year as a result of the deduction.
22 (d) The total number of employees employed at the facility receiving the deduction.
23 (e) The total assessed value of the real and/or personal property deductions.
24 (f) The tax savings resulting from the real and/or personal property being abated.

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

27 **SECTION 13.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that
28 has received a deduction under section 3 or 4.5 of said chapter may be required to repay the
29 deduction amount as determined by the county auditor in accordance with section 12 of said
30 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 AND LEGALITY

Carol Helton, City Attorney

EXHIBIT A

Part of the Northeast Quarter of Section 20, Township 30 North, Range 13 East, Allen County, Indiana, being more particularly described as follows:

Commencing at a point being 40.0 feet South and 60.0 Feet West of the Northeast corner of Section 20, Township 30 North, Range 13 East, Allen County, Indiana, said point being on the South right of way line of Hoevel Road; thence West along said right of way line, being parallel to and 40.0 feet South of the North line of Section 20-30-13, a distance of 880.08 feet to the point of beginning, said point being the Northwest corner of Lot Number 5 in Allen Martin Industrial Park, Section II, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence South with a deflection angle to the left of 90 degrees 45 minutes 27 seconds, along the West line of said Lot Number 5 a distance of 598.9 feet to a 5/8 inch iron pin at the Southwest corner of Lot Number 5, thence West with a deflection angle to the right of 90 degrees 00 minutes 00 seconds a distance of 248.92 feet to a point of curvature thence Southwesterly along a curve to the left having a radius of 260.00 feet and a central angle of 15 degrees 45 minutes 00 seconds, a distance of 71.47 feet to a point of tangency; thence Southwesterly, tangent to said curve a distance of 21.27 feet to a 5/8 inch iron pin; thence North with a deflection angle of 105 degrees 45 minutes 00 seconds a distance of 618.93 feet to a 5/8 inch iron pin on the South right of way of Hoevel Road; thence East with a deflection angle to the right of 90 degrees 45 minutes 27 seconds along said South right of way a distance of 340.00 feet to the point of beginning, containing 4.703 acres.

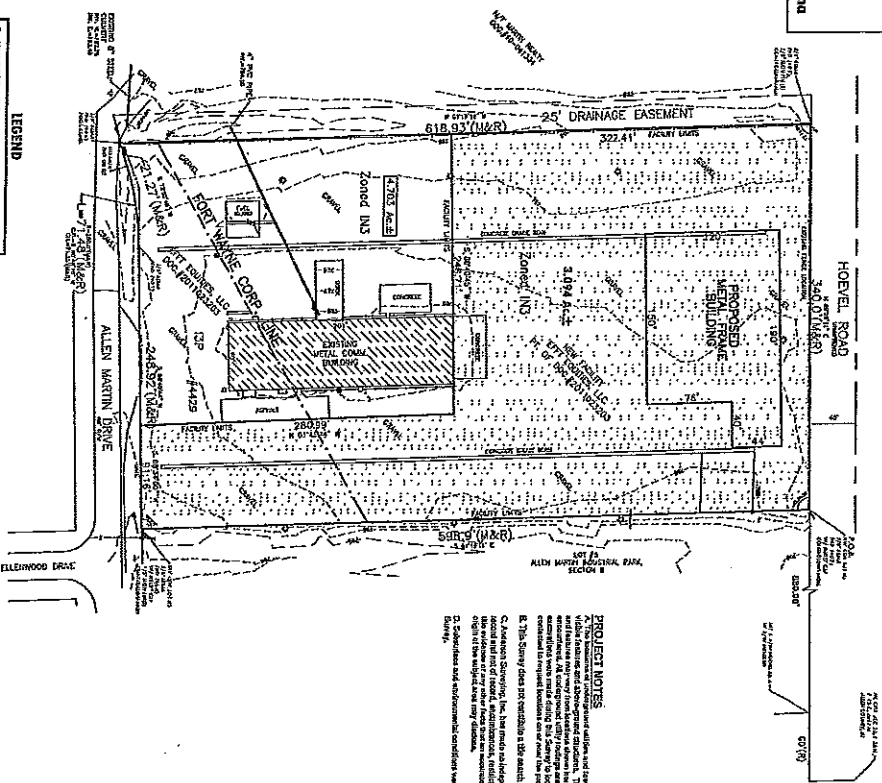
THE LANDS OF EFFT EQUITIES, LLC DOC.#2011023203
Pt. of the NE. 1/4 of Sec. 20, Twp. 30 N., R. 13 E., Allen County, Indiana



ANDERSON SURVEYING, INC.

[illegible]

PRODUCT
ALTA SURVEY
EARTH FIRST 4429 ALLEN MARTIN DRIVE
CO-0

[illegible]

SURVEYOR'S REPORT

in accordance with Title 80C, Article 1, Chapter 12, Section 29 of the Indiana Administrative Code, the following observation and opinions are submitted regarding the various uncertainties in the portions of the proposed contract mentioned on this survey as a basis of:

(b) Differences in the relative instruments.

- (c) *Random errors in the data* (e.g. measurement errors)
- (d) *Random errors in the model* (e.g. measurement errors)

The subject must acknowledge this survey is solely for research purposes at the University of California, Berkeley, and is not intended to provide any financial benefit or reward. The subject must also acknowledge that the survey is subject to the terms and conditions of the "Urbair" Survey (see [http://www.urbair.com](#)) as defined in L.A.C. 600.

The purpose of this survey was to perform a re-survey. The boundary and easement of the subject property was based on an Original Survey by Gordon Erbeshtal, Inc. The East adjoining plot was also prepared by Gordon Erbeshtal, Inc. (Gordon Erbeshtal, Inc. is a duly licensed Professional Engineer in the State of New York).

As a result of the above observations, it is the opinion that the investigation in New London was conducted in a proper and appropriate manner and that the original criteria for the investigation were met. All as shown on the Plan of Survey.

DUE TO VARIANCES IN REFERENCE MEASUREMENTS: Less than 0.2 feet due to existing measurement differences on the East of Canyon. Existing and distance difference over the 0.24 feet difference was noted on the East of Canyon.

edges will be noted as follows. All sections are 500 microns long with one-half inch on each standard. ANDERSON'S PAPER CO., San Francisco, CALIF. is the manufacturer of the paper used. No other paper is used. No other paper is used.

Estimated dimension. Part (P) indicates plotted dimension. Rec. (R) indicates recorded dimension. Calc. (C) indicates calculated dimension. See Part of Survey.
DUE TO INCONVENIENCES BY LINES OF OCCUPATION. See fence locations on the

CONTACT INFORMATION: All marketing fees to Anderson-Sutcliffe, Inc. must be submitted before this survey will report its results.

This property is in Zone "X" as location plot by scale on Flood Insurance Rate Map 15003-00015C, effective August 3, 2000. The accuracy of this statement is subject to map scale interpretation as provided for in the Flood Insurance Rate Map 15003-00015C.

The confinement for life insurance was not part of the time of this report. An absence of information from provincial authorities on the guidelines of the National Flood Insurance Program, the Civil Defense regarding flood insurance is left up to the local lending institution.

or other leads may reveal additional information affecting this period etc. This survey is subject to any facts and or circumstances that may be disclosed by said FGS and accurate to its results. Acquisition Surveying, Inc. should be notified of any additions or omissions that may be required.

This is certified as an "Indian" Treaty to correspond with the Indian Survey Standards to the extent of record and the buyer is bound on that certificate. The title consists of certain

and this letter to each buyer for the exclusive use in the completion of the above described real estate. This attached Plat of Survey is not to be warranted or assigned to any person(s) other than conveyance is complete.

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C&M LAND TITLE SURVEY CERTIFICATION

¹ That data map is right and the survey on which it is based was made in accordance with the 2019 United Nations Framework Convention on Climate Change.

Watersheds Bureau Inc. 7 (th. 6, 11 (th. 04 23 of Yukon Act, 2002. The field with not completed in 2012.

LS 20100011
JUL 27 2010
NATIONAL ARCHIVES
COLLIER COUNTY
FLORIDA

Surveyor General's Office
Washington, D.C.

STUDY NO. _____

LEN MARTIN DRIVE

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Confirming Resolution

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: EFTT Equities, LLC is requesting the designation of an Economic Revitalization Area for real and personal property improvements in the amount of \$1,931,512. In order to expand, EFTT Equities, LLC will construct a new 20,000 plus square foot steel building to house a Recycling Center and Transfer Station while also installing \$631,512 worth of new manufacturing equipment.

EFFECT OF PASSAGE: Installing the new equipment and building the Recycling Center and Transfer Station will allow EFTT Equities, LLC to continue to develop property within an industrial area full of industrial and commercial vacancies. Fourteen full-time jobs will be created.

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