

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 8367 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 create eight full-time and two part-time, permanent jobs for a total new, annual payroll of \$353,000, with the average new annual job salary being \$35,300 and retain nine full-time and five part-time, permanent jobs for a total current annual payroll of \$670,000, with the average current, annual job salary being \$47,857; and

WHEREAS, the total estimated project cost is \$1,849,000; 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.

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, logistical distribution, information technology, and research and development 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, logistical distribution, information technology, and research and development equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to

1 result from the proposed described redevelopment or rehabilitation and from the installation of the new
2 manufacturing, logistical distribution, information technology, and research and development equipment.

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

4 ... If the proposed development does not occur, the approximate current year tax rates for this
5 site would be \$3.1955/\$100.

6 ... If the proposed development does occur and no deduction is granted, the approximate
7 current year tax rate for the site would be \$3.1955/\$100 (the change would be negligible).

8 ... If the proposed development occurs, and a deduction percentage of fifty percent (50%) is
9 assumed, the approximate current year tax rate for the site would be \$3.1955/\$100 (the
10 change would be negligible).

11 ... If the proposed new manufacturing, logistical distribution, information technology, and
12 research and development equipment is not installed, the approximate current year tax rates
13 for this site would be \$3.1955/\$100.

14 ... If the proposed new manufacturing, logistical distribution, information technology, and
15 research and development equipment is installed and no deduction is granted, the
16 approximate current year tax rate for the site would be \$3.1955/\$100 (the change would be
17 negligible).

18 ... If the proposed new manufacturing, logistical distribution, information technology, and
19 research and development equipment is installed and a deduction percentage of eighty
20 percent (80%) is assumed, the approximate current year tax rate for the site would be
21 \$3.1955/\$100 (the change would be negligible).

22 **SECTION 6.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the deduction from
23 the assessed value of the real property shall be for a period of ten years, and that the deduction from the
24 assessed value of the new manufacturing, logistical distribution, information technology, and research and
25 development equipment shall be for a period of seven years.

26 **SECTION 7.** That, the benefits described in the Petitioner's Statement of Benefits can be
27 reasonably expected to result from the project and are sufficient to justify the applicable deductions.

28 **SECTION 8.** For new manufacturing, logistical distribution, information technology, and
29 research and development equipment, a deduction application must contain a performance report
30 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

1 Auditor's Office and the City of Fort Wayne's Community Development Division and must be included in
2 the deduction application. For subsequent years, the performance report must be updated each year in
3 which the deduction is applicable at the same time the property owner is required to file a personal
4 property tax return in the taxing district in which the property for which the deduction was granted is
5 located. If the taxpayer does not file a personal property tax return in the taxing district in which the
6 property is located, the information must be provided by May 15.

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

- 8 . The cost and description of real property improvements and/or new manufacturing, logistical
9 distribution, information technology, and research and development equipment acquired.
- 10 . The number of employees hired through the end of the preceding calendar year as a result of
11 the deduction.
- 12 . The total salaries of the employees hired through the end of the preceding calendar year as a
13 result of the deduction.
- 14 . The total number of employees employed at the facility receiving the deduction.
- 15 . The total assessed value of the real and/or personal property deductions.
- 16 . The tax savings resulting from the real and/or personal property being abated.

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

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

25 **SECTION 13.** That, this Resolution shall be in full force and effect from and after its passage
26 and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM A LEGALITY

Carol Helton, City Attorney

EXHIBIT A

PARCEL I:

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 East line of a 100 acre tract of land formerly owned by the Academy of Our Lady of the Sacred Heart, at a point situated 1091.0 feet (recorded 16.65 chains which equals 1098.9 feet) North of the point of intersection of said East line with the centerline of Leo Road, said point also being the Southwest corner of a 3.5 acre tract of land conveyed to John B. Schmidt by deed recorded in Deed Record 237, page 348 in the Office of the Recorder of Allen County, Indiana; thence Easterly, on and along the South line of said 3.5 acre tract, a distance of 529.77 feet to the Southeast corner of said 3.5 acre tract, being a point on the centerline of Leo Road; thence Southwesterly, by a deflection angle right of 114 degrees 56 minutes, on and along the centerline of Leo Road, a distance of 599.0 feet to the Northeast corner of a 1.66 acre tract of land recorded in Deed Record 233, page 64 in the Office of said Recorder; thence Westerly, by a deflection angle right of 63 degrees 44 minutes 30 seconds, on and along the North line of said 1.66 acre tract, a distance of 265.85 feet (recorded 267.14 feet) to the Northwest corner of said 1.66 acre tract, being a point on the East line of the aforementioned 100 acre tract; thence Northerly, by a deflection angle right of 90 degrees 08 minutes, on and along said East line, a distance of 549.5 feet to the Point of Beginning, containing 4.980 acres of land.

PARCEL II:

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

COMMENCING at the intersection of the South line of the Northeast Quarter of Fractional Section 7, Township 31 North, Range 13 East, with the centerline of the Leo Road (N. Clinton St.); thence Northeasterly along the centerline of said road, a distance of 494.2 feet to the Point of Beginning for the tract of land herein described; thence continuing Northeasterly along the centerline of said road, 603.81 feet; thence West with a

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EXHIBIT A - CONT'D

deflection angle left of 116 degrees 15 minutes 30 seconds, a distance of 267.14 feet; thence South with a deflection angle left of 90 degrees, a distance of 541.5 feet to the Place of Beginning, containing 1.66 acres.

EXCEPT that part being more particularly 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 634.1 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 209.24 feet; thence North 68 degrees 11 minutes West, a distance of 169.89 feet to a point on the West line of the 55 acre tract sold to Francis Pepe by Victorine Ruffet as documented in Surveyor's Record "B", page 441; thence South 02 degrees 43 minutes East, on and along the West line of said 55 acre tract, a distance of 230.04 feet; thence South 68 degrees 17 minutes 20 seconds East, a distance of 68.01 feet to the Point of Beginning, containing 0.571 acres of land.

ALSO EXCEPTING:

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, containing 0.109 acres of land.

PARCEL III:

Part of the Northeast Quarter of Section 7, Township 31 North,
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EXHIBIT A - CONT'D

Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

COMMENCING at the point of intersection of the South line of said Northeast Quarter with the Easterly right-of-way line of Interstate Highway Number 69, said point being situated, by deed, 908.5 feet, more or less, North 87 degrees 41 minutes East from the center of said Section 7; thence North 21 degrees 49 minutes East, on and along said Easterly right-of-way line, as situated 100.0 feet (measured at right angles) Southeasterly from and parallel to the centerline of said Interstate Highway Number 69, a distance of 750.0 feet to the most Northerly corner of a 5.79 acre tract of land conveyed to John R. Larimore and Joan Larimore in a deed dated March 8, 1968 and recorded in Deed Record 703, page 254 in the Office of the Recorder of Allen County, Indiana, being the True Point of Beginning; thence North 21 degrees 49 minutes East, continuing along said Easterly right-of-way line, a distance of 228.15 feet to the point of intersection of said Easterly right-of-way line with the Westerly projection of the North face of the foundation wall of an existing concrete building; thence South 68 degrees 25 minutes East, on and along line formed by said foundation wall North face and its Westerly and Easterly projection, a distance of 205.7 feet to the Westerly right-of-way line of Clinton Park Drive as dedicated in Deed Record 707, page 194 in the Office of said Recorder; thence South 18 degrees 41 minutes West, on and along said Westerly right-of-way line, a distance of 229.3 feet to a Northeasterly corner of the aforesaid 5.79 acre tract; thence North 68 degrees 11 minutes West, on and along the Northeasterly line of said 5.79 acre tract, a distance of 218.2 feet to the True Point of Beginning, containing 1.112 acres of land.

ALSO:

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

COMMENCING at the point of intersection of the South line of said Northeast Quarter with the Easterly right-of-way line of Interstate Highway Number 69, said point being situated by deed 908.5 feet, more or less, North 87 degrees 41 minutes East from the center of said Section 7; thence North 21 degrees 49 minutes East, on and along said Easterly right-of-way line, as situated 100.0 feet (measured at right angles) Southeasterly of and parallel to the centerline of said Interstate Highway Number 69,

Continued on next page

EXHIBIT A - CONT'D

a distance of 978.15 feet to the point of intersection of said Easterly right-of-way line with the Westerly projection of the North face of the foundation wall of an existing concrete building, said point of intersection being the True Point of Beginning; thence North 21 degrees 49 minutes East, continuing along said Easterly right-of-way line, a distance of 710.75 feet to the most Westerly corner of a 0.34 acre tract of land conveyed to Burkhart Advertising, Inc. in deed dated July 19, 1979, and recorded in Document Number 79-28240 in the Office of said Recorder; thence South 68 degrees 11 minutes East, on and along the Southwesterly line of said 0.34 acre tract, a distance of 116.5 feet (recorded 117.0 feet) to the most Southerly corner of said 0.34 acre tract, being a point on the line referred to in Deed Record 39, page 42 as the West line of "55 acres sold to Frances Pepe by Victoria Ruffet" as recorded in Surveyor's Record "B", page 441, recorded December 15, 1865; thence South 02 degrees 43 minutes East, on and along the aforesaid line, being established by deeded distances and survey monuments found, a distance of 666.0 feet (recorded 705.7 feet), to the Northeast corner of a 1.00 acre tract conveyed to Howard Properties, Inc. in a deed dated August 31, 1976 and recorded in Document Number 76-21924 in the Office of said Recorder; thence North 68 degrees 11 minutes West, on and along the Northeasterly line of said 1.00 acre tract and the Northwestern projection thereof, a distance of 193.0 feet to the Northerly terminus of the Westerly right-of-way line of Clinton Park Drive as dedicated in Deed Record 707, page 194 in the Office of said Recorder; thence South 18 degrees 41 minutes West, on and along said Westerly right-of-way line, a distance of 104.2 feet to the point of intersection of said Westerly right-of-way line with the Easterly projection of the aforesaid North face of the foundation wall of an existing concrete building; thence North 68 degrees 25 minutes West, on and along the line formed by said foundation wall North face and its Easterly and Westerly projections, a distance of 205.7 feet to the True Point of Beginning, containing 4.030 acres of land.

EXCEPT that part being more particularly described as follows:

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

COMMENCING at the point of intersection of the South line of said Northeast Quarter with the Easterly right-of-way line of Interstate Highway Number 69, said point being situated, by deed, 908.5 feet, more or less, North 87 degrees 41 minutes East

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EXHIBIT A - CONT'D

from the center of said Section 7; thence North 21 degrees 49 minutes East, on and along said Easterly right-of-way line, as situated 100.0 feet (measured at right angles) Southeasterly of and parallel to the centerline of said Interstate Highway Number 69, a distance of 978.15 feet; thence South 68 degrees 25 minutes East, a distance of 205.7 feet to a point on the Westerly right-of-way line of Clinton Park Drive as dedicated in Deed Record 707, page 194, in the Office of the Recorder of Allen County, Indiana; thence North 18 degrees 41 minutes East, on and along said Westerly right-of-way line, a distance of 104.2 feet to the Northerly terminus thereof; thence South 68 degrees 11 minutes East, a distance of 50.07 feet to the Northerly terminus of the Easterly right-of-way line of said Clinton Park Drive, being the True Point of Beginning of the tract herein described; thence South 68 degrees 11 minutes East, a distance of 142.93 feet to a point on the West line of "55 acres sold to Francis Pepe by Victoria Ruffet", as recorded in Surveyor's Record "B", page 441, recorded December 15, 1865; thence North 2 degrees 43 minutes West, on and along the West line of said 55 acres, a distance of 344.23 feet; thence South 21 degrees 49 minutes West and parallel to the Easterly right-of-way line of said Interstate Highway Number 69, a distance of 313.15 feet to the True Point of Beginning, containing 0.514 acres of land.

ALSO EXCEPTING:

A part of the Northeast Quarter of Section 7, Township 31 North, Range 13 East, Allen County, Indiana, described as follows:

COMMENCING at the Southwest corner of said Quarter Section; thence North 87 degrees 42 minutes 21 seconds East 914.09 feet (908.5 feet by Instrument 81-21886) along the South line of said Quarter Section to the Eastern boundary of I-69; thence North 21 degrees 57 minutes 16 seconds East 1160.44 feet along the boundary of said I-69 to the Point of Beginning of this description; thence North 21 degrees 57 minutes 16 seconds East 528.46 feet along said boundary to the Northwest corner of a 4.030 acre tract of land described in Instrument Number 81-21887; thence South 68 degrees 02 minutes 44 seconds East 32.57 feet along the Northern line of said 4.030 acre tract; thence South 22 degrees 41 minutes 57 seconds West 428.50 feet; thence South 37 degrees 03 minutes 50 seconds West 103.58 feet to the Point of Beginning and containing 0.324 acres, more or less.

Continued on next page

EXHIBIT A - CONT'D

PARCEL IV:

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

COMMENCING at the point of intersection of the South line of said Northeast Quarter with the Easterly right-of-way line of Interstate Highway Number 69, said point being situated, by deed, 908.5 feet, more or less, North 87 degrees 41 minutes East from the center of said Section 7; thence North 21 degrees 49 minutes East, on and along said Easterly right-of-way line, as situated 100.0 feet (measured at right angles) Southeasterly of and parallel to the centerline of said Interstate Highway Number 69, a distance of 978.15 feet; thence South 68 degrees 25 minutes East, a distance of 205.7 feet to a point on the Westerly right-of-way line of Clinton Park Drive as dedicated in Deed Record 707, page 194, in the Office of the Recorder of Allen County, Indiana; thence North 18 degrees 41 minutes East, on and along said Westerly right-of-way line, a distance of 104.2 feet to the Northerly terminus thereof; thence South 68 degrees 11 minutes East, a distance of 50.07 feet to the Northerly terminus of the Easterly right-of-way line of said Clinton Park Drive, being the True Point of Beginning of the tract herein described; thence South 68 degrees 11 minutes East, a distance of 142.93 feet to a point on the West line of "55 acres sold to Francis Pepe by Victoria Ruffet", as recorded in Surveyor's Record "B", page 441 recorded December 15, 1865; thence North 2 degrees 43 minutes West, on and along the West line of said 55 acres, a distance of 344.23 feet; thence South 21 degrees 49 minutes West and parallel to the Easterly right-of-way line of said Interstate Highway Number 69, a distance of 313.15 feet to the True Point of Beginning, containing 0.514 acres of land.

TOGETHER WITH an easement for ingress and egress purposes, more particularly described as follows, to-wit:

BEGINNING at the Northerly terminus of the Westerly right-of-way line of Clinton Park Drive as dedicated in Deed Record 707, page 194, in the Office of the Recorder of Allen County, Indiana; thence South 68 degrees 11 minutes East, a distance of 50.07 feet to the Northerly terminus of the Easterly right-of-way line of said Clinton Park Drive; thence North 21 degrees 49 minutes East and parallel to the Easterly right-of-way line of Interstate Highway Number 69, a distance of 50.0 feet; thence North 68 degrees 11 minutes West, a distance

Continued on next page

EXHIBIT A - CONT'D

of 50.07 feet; thence South 21 degrees 49 minutes West and parallel to the Easterly right-of-way line of said Interstate Highway Number 69, a distance of 50.0 feet to the Point of Beginning.

EXCEPTING from Parcels I, II, III and IV that part being more particularly described as follows:

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

COMMENCING at the intersection of the South line of said Northeast Quarter and the centerline of Leo Road; thence North 24 degrees 24 minutes 27 seconds East (assumed bearing and basis of bearings to follow), a distance of 634.1 feet (deed) along the centerline of said Leo Road to the Southeast corner of an existing 0.571 acre tract; thence continuing North 24 degrees 24 minutes 27 seconds East, a distance of 390.81 feet along said center to a survey marker nail set at the Point of Beginning of the herein described tract; thence North 66 degrees 29 minutes 05 seconds West, a distance of 313.38 feet to a 5/8 inch steel rebar set; thence South 23 degrees 30 minutes 55 seconds West, a distance of 103.87 feet to a 5/8 inch steel rebar set on a tangent curve concave to the Southeast having a radius of 470.00 feet; thence Southwesterly along said curve, a distance of 35.80 feet, having a central angle 4 degrees 21 minutes 53 seconds, and a chord of 35.79 feet bearing South 21 degrees 19 minutes 59 seconds West, to a 5/8 inch steel rebar set at the point of tangency of said curve; thence South 19 degrees 09 minutes 03 seconds West, a distance of 46.76 feet to a 5/8 inch steel rebar set on the North line of an existing 1.00 acre tract; thence North 66 degrees 59 minutes 40 seconds West, a distance of 5.04 feet along said North line to a 5/8 inch steel rebar set at the Northwest corner of said 1.00 acre tract; thence North 67 degrees 14 minutes 39 seconds West, a distance of 55.08 feet to a 5/8 inch steel rebar set; thence North 19 degrees 09 minutes 03 seconds East, a distance of 42.96 feet to a 5/8 inch steel rebar set on a tangent curve, concave to the Southeast, having a radius of 530.00 feet; thence Northeasterly along said curve a distance of 40.37 feet, having a central angle 4 degrees 21 minutes 53 seconds, and a chord of 40.36 feet bearing North 21 degrees 49 minutes 59 seconds East, to a 5/8 inch steel rebar set at the point of tangency of said curve; thence North 23 degrees 30 minutes 55 seconds East, a distance of 65.43 feet to a 5/8 inch steel rebar set; thence North 66 degrees 29 minutes 05 seconds

Continued on next page

EXHIBIT A - CONT'D

West, a distance of 171.91 feet to a 5/8 inch steel rebar set on the East line of an existing 0.324 acre tract; thence North 38 degrees 04 minutes 29 seconds East, a distance of 27.49 feet to a 5/8 inch steel rebar; thence North 23 degrees 30 minutes 55 seconds East, a distance of 428.50 feet along said East line to a 5/8 inch steel rebar set on the South line of an existing tract described in Document Number 79-28240 in the Office of the Recorder of Allen County, Indiana; thence South 66 degrees 59 minutes 43 seconds East, a distance of 83.93 feet along said South line to the East line of said Document Number 79-28240; thence North 01 degrees 36 minutes 30 seconds West, a distance of 43.26 feet along said East line to the South line of an existing tract described in Document Number 94-70272 in the Office of the Recorder of Allen County, Indiana; thence North 89 degrees 29 minutes 51 seconds East, a distance of 529.09 feet along said South line to the centerline of Leo Road; thence South 24 degrees 24 minutes 27 seconds West, a distance of 672.00 feet along said centerline to the Point of Beginning. Containing 7.204 acres, more or less.

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 \$1,849,000. In order to expand, Highmark Technologies LLC will construct a 26,250 square foot manufacturing, assembly, and storage building which will be attached to an existing 24,460 square foot building. They will also purchase and install a variety of manufacturing, research and development, logistical distribution, and information technology equipment valued at approximately \$349,000.**

EFFECT OF PASSAGE: **Constructing the additional square feet and installing new equipment will allow Highmark Technologies LLC to strategically plan for the future while also enhancing Clinton Industrial Park in appearance, safety, and traffic patterns. Eight full-time jobs and two part-time jobs will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development, eight full-time jobs, and two part-time jobs.**

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

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