BILL NO. R-13-07-02

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 6110 Maplecrest Road, Fort Wayne, Indiana 46835 (BDW, 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 one full-time, permanent job for a total new, annual payroll of $28,000, with the average new annual job salary being $28,000 and retain seven full-time and one part-time, permanent jobs for a total current annual payroll of $295,940, with the average current, annual job salary being $36,993; and

WHEREAS, the total estimated project cost is $220,000; and

WHEREAS, a recommendation has been received from the Committee on Finance; 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 a deduction of the assessed value of real estate.

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 redevelopment or rehabilitation, all contained in

Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation.

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

SECTION 6. 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 three years.

SECTION 7. The deduction schedule from the assessed value of the real property pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	66%
3	33%

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 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 with 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.

- 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 property deductions.
- The tax savings resulting from the real 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

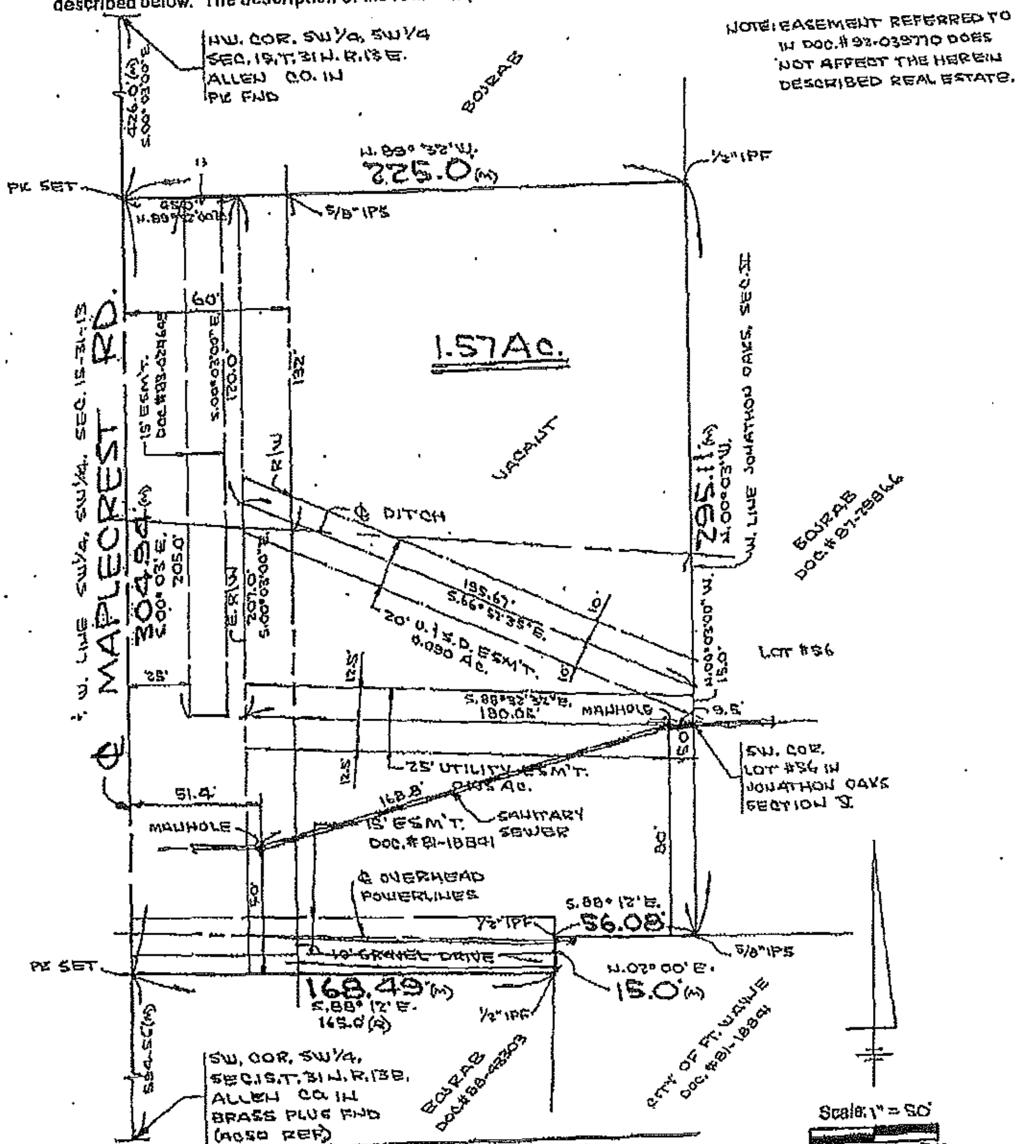
CERTIFICATE OF SURVEY

DONOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 9500021 IN

JOHN R. DONOVAN PE 9173 PLS 9921 IN
FRANCIS X. MUELLER PLS S0193 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows: SEE ATTACHED SHEET!



Job No. 155TJ
Job for: ST. JOE DEV. CORP

Date: 1-26-98
REV. 6-10-98
REV. 9-15-99
REV. 5-12-00

LEGEND

IPF	Iron Pin Found
PF	Iron Pipe Found
IPS	5/8" re-bar set (with cap stamped S0027)
PK	P.K. Nail
(M)	Measured
(R)	Recorded
(C)	Calculated

All monuments are at grade except as noted.
All property line distances are recorded dimensions, except as noted.
Monuments found have no documented history, except as noted.

Date of field work: 1-20-98

GREGORY L. ROBERTS REGISTERED No. S0548 STATE OF INDIANA LAND SURVEYOR

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

SHT #1 OF 2

EXHIBIT A

CERTIFICATE OF SURVEY

GREGORY L. ROBERTS PLS S0548 IN
KENNETH W. HARRIS PLS 9500021 IN

DONOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

JOHN R. DONOVAN PE 9173 PLS 9921 IN
FRANCIS X. MUELLER PLS S0193 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows:

Part of the Southwest Quarter of the Southwest Quarter of Section 15, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a nail on the West line of the Southwest Quarter of the Southwest Quarter of Section 15, Township 31 North, Range 13 East, Allen County, Indiana, said point being 426.0 feet South of a nail marking the Northwest corner of the SW ¼ of the SW ¼ of Section 15-31-13; thence South 00 degrees 03 minutes East (assumed bearing) along the West line of the SW ¼ of the SW ¼ of Section 15-31-13 a distance of 304.94 feet to a nail; thence South 88 degrees 12 minutes East a distance of 168.49 feet (165.0 feet, deed) to a ½ inch iron pin; thence North 02 degrees 00 minutes East a distance of 15.0 feet to a ½ inch iron pin; thence South 88 degrees 12 minutes East a distance of 56.08 feet to a 5/8 inch iron pin; thence North 00 degrees 03 minutes West a distance of 295.11 feet to a 5/8 inch iron pin; thence North 89 degrees 32 minutes West, a distance of 225.0 feet to the point of beginning containing 1.57 acres, subject to road rights of way and easements.

NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0170 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X" and is not within the 100 year flood hazard area. The accuracy of this flood hazard statement is subject to map scale uncertainty.

Scale:

Job No. 15573
Job for: ST. JOE PEN. CORP.

Date: 1-26-98
REV. 9-15-99

LEGEND

IPF	Iron Pin Found
PF	Iron Pipe Found
IPS	5/8" re-bar set (with cap stamped #0021)
PK	P.K. Nail
(M)	Measured
(R)	Recorded
(C)	Calculated

All monuments are at grade except as noted.
All property line distances are recorded dimensions, except as noted.
Monuments found have no documented history, except as noted.

Date of field work: 1-20-98

GREGORY L. ROBERTS
REGISTERED
No. S0548
STATE OF INDIANA

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

SHT. #2 OF 2

Admn. Appr._____________

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **BDW, LLC d/b/a St. Joe Vision – Dr. Martin White, O.D., Inc. is requesting the designation of an Economic Revitalization Area for real property improvements in the amount of $220,000. In order to expand, BDW, LLC d/b/a St. Joe Vision – Dr. Martin White, O.D., Inc. will construct 1,200 square feet of additional medical office space.**

EFFECT OF PASSAGE: **Constructing the additional space will allow BDW, LLC d/b/a St. Joe Vision – Dr. Martin White, O.D., Inc. to remain competitive with many of the larger corporate providers. One full-time job will be created.**

EFFECT OF NON-PASSAGE: **Potential loss of development and one full-time job.**

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

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