

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as 7504 Aboite Center Road,
7518 Aboite Center Road, 4127 Rosewood Drive, 4113
Rosewood Drive, 7005 Oriole Circle, 6291 Oriole Circle,
and 6911 Oriole Circle, Fort Wayne, Indiana 46804
(Long Term Care Investments III, 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 61 full-time and 34 part-time, permanent jobs for a total new, annual payroll of \$2,933,450, with the average new annual job salary being \$30,878; and

WHEREAS, the total estimated project cost is \$15,000,000; 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 \$3.2288/\$100.

... If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.2288/\$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 \$3.2288/\$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 seven 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	85%
3	71%
4	57%
5	43%
6	29%
7	14%

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**Legal Description**LEGAL DESCRIPTION

A PART OF THE SOUTH HALF OF SECTION 13, TOWNSHIP 30 NORTH, RANGE 11 EAST IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA, BEING LOTS 8 THROUGH 12 AND PARTS OF LOTS 5, 6, 7, 13 AND 14, TOGETHER WITH A PART OF THE COMMUNITY AREA AND PORTION OF VACATED ORIOLE CIRCLE RIGHT-OF-WAY OF RIDGEWOOD ADDITION, AS RECORDED IN PLAT BOOK 15, PAGE 133 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, EXCEPTING THEREFROM THE PART APPROPRIATED FOR THE ABOITE CENTER ROAD RIGHT OF WAY DESCRIBED IN ALLEN CIRCUIT COURT CASE NO. C-81-817, FILED AUGUST 27, 1981 AND PORTIONS OF LOTS 6, 7, 8 AND 9 CONVEYED TO THE BOARD OF COMMISSIONERS OF ALLEN COUNTY, INDIANA IN DOCUMENT NUMBERS 2008014873 AND 2008031648 IN SAID RECORDER'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF ROSEWOOD DRIVE WITH THE PRESENTLY RIGHT-OF-WAY OF ABOITE CENTER ROAD, SAID POINT OF BEGINNING BEING THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO SAID BOARD OF COMMISSIONERS AS DOCUMENT NUMBER 2008014873 IN SAID RECORDER'S OFFICE; THENCE NORTH 00°34'12" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ROSEWOOD DRIVE, 711.52 FEET TO THE WESTERLY EXTENSION OF THE CENTERLINE OF VACATED ORIOLE CIRCLE RIGHT-OF-WAY; THENCE SOUTH 88°29'57" EAST ALONG SAID CENTERLINE, 271.76 FEET; THENCE SOUTH 39°48'59" EAST, 184.13 FEET; THENCE SOUTH 00°34'01" EAST, 93.09 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 112.00 FEET, BEING SUBTENDED BY A CHORD OF 65.10 FEET, BEARING SOUTH 17°27'41" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE 66.05 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, BEING SUBTENDED BY A CHORD OF 26.18 FEET, BEARING SOUTH 06°31'54" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 28.54 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 220.00 FEET, BEING SUBTENDED BY A CHORD OF 160.34 FEET, BEARING SOUTH 26°02'51" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 164.12 FEET TO A POINT OF CURVE TO THE RIGHT, HAVING A RADIUS OF 160.00 FEET, BEING SUBTENDED BY A CHORD OF 108.81 FEET, BEARING SOUTH 24°33'16" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 111.02 FEET; THENCE SOUTH 44°25'59" WEST, 33.00 FEET TO A POINT OF CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, BEING SUBTENDED BY A CHORD OF 80.00 FEET, BEARING SOUTH 28°58'00" WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE 80.98 FEET; THENCE SOUTH 13°30'01" WEST, 58.48 FEET TO SAID NEW NORTHERLY RIGHT-OF-WAY OF ABOITE CENTER ROAD; THENCE NORTH 86°47'28" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY, 209.17 FEET TO THE POINT OF BEGINNING, SAID DESCRIBED PARCEL CONTAINING 5.41 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, COVENANTS, AND RIGHT OF WAY OF RECORD.