**BILL NO. R-13-09-23**

**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 4817 Industrial Road, Fort Wayne, Indiana 46825 (Fort Wayne Industrial Properties, 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 30 full-time, permanent jobs for a total additional annual payroll of $1,750,000, with the average new annual job salary being $58,333; and

**WHEREAS,** the total estimated project cost is $750,000; 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. 5-3-1and 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 occupation of an eligible vacant building.

**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 occupation of the eligible vacant building, 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 and rehabilitation and occupation of the eligible vacant building.

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

(a) If the proposed development does not occur, the approximate current year tax rates for this site would be $3.1821/$100.

(b) If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be $3.1821/$100 (the change would be negligible).

(c) 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 $3.1821/$100 (the change would be negligible).

(d) If the proposed occupation of the eligible vacant building does not occur, the approximate current year tax rates for this site would be $3.1821/$100.

(e) If the proposed occupation of the eligible vacant building does occur and no deduction is granted, the approximate current year tax rate for the site would be $3.1821/$100 (the change would be negligible).

- If the proposed occupation of the eligible vacant building does occur and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be $3.1821/$100 (the change would be negligible).

**SECTION 6.** That, 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, and that the deduction from the assessed value of the occupation of the eligible vacant building shall be for a period of one year.

**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 deduction schedule from the assessed value of the occupation of the eligible vacant building pursuant to I.C. 6-1.1-12.1-17 shall look like this:

| Year of Deduction | Percentage |
|---|---|
| 1 | 100% |

**SECTION 9.** 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 10.** For the occupation of the vacant building, 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.

**SECTION 11.** 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 in 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 12.** The performance report must contain the following information:

- The cost and description of real property improvements and/or occupation of the eligible vacant building.
- 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 and/or vacant building deductions.
- The tax savings resulting from the real property being abated.

**SECTION 13.** That, the taxpayer is non-delinquent on any and all property tax due to jurisdictions within Allen County, Indiana.

**SECTION 14.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a deduction under section 3, 4.5 or 4.8 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 or a tenant of the property owner in the case of section 4.8 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 15.** 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

Admn. Appr.____________

DIGEST SHEET

TITLE OF ORDINANCE: **Confirming Resolution**

DEPARTMENT REQUESTING ORDINANCE: **Community Development Division**

SYNOPSIS OF ORDINANCE: **This is to confirm the designation of an Economic Revitalization Area for Fort Wayne Industrial Properties, LLC for real property improvements in the amount of $750,000. Fort Wayne Industrial Properties, LLC will make renovations to an existing eligible vacant building.**

EFFECT OF PASSAGE: **Fort Wayne Industrial Properties, LLC will make renovations to an existing building that has sat vacant for over three years so that company can occupy the building for its operations. 30 full-time jobs will be created as a result of the project.**

EFFECT OF NON-PASSAGE: **Potential loss of development and 30 full-time jobs**

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

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

EXHIBIT A

Ft. Wayne

(Legal Description)

Real property in the City of Fort Wayne, County of Allen, State of Indiana, described as follows:

N212.5 OF S1856.7

OF E310 OF W574.6FT

E1/2 SW1/4 SEC 23

4817 Industrial Rd, Fort Wayne IN 46825