

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-12.1 for
property commonly known as unassigned addresses,
4800 Block of Tyrone Road, Fort Wayne, Indiana 46809
(Mediservice Leasing, LLC for Life, Inc.)**

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 26 part-time, permanent jobs for a total additional payroll of \$1,224,054, with the average new annual job salary being \$47,079 and retain 34 full-time and 131 part-time, permanent jobs for a current annual payroll of \$1,937,429, with the average current annual job salary being \$11,742; and

WHEREAS, the total estimated project cost is \$500,000; 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.

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 \$3.3124/\$100.
- If the proposed development occurs and no deduction is granted, the approximate current year tax rate for the site would be \$3.3124/\$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 \$3.3124/\$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 five years.

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

Year of Deduction	Percentage
1	100%
2	80%
3	60%
4	40%
5	20%

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

EXHIBIT A

Part of the lands conveyed to Tyrone Villa Apartments, LLC, in Recorder's Document #2007084043 as situated in the Northwest Quarter of Section 21, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the point of intersection of the West right-of-way line of the Norfolk Southern Railroad and the South line of the said Northwest Quarter, being also the Northeast corner of Lot Numbered 16 in Tyrone Addition, as recorded in Plat Record 17, Page 32, in the Office of the Recorder of Allen County, Indiana and referenced by a 1/2 inch diameter rebar 2 1/2 feet East; thence North 88 degrees 39 minutes 00 seconds West (recorded bearing and is utilized as the basis for all bearings relative this description) along the South line of said Northwest Quarter, 248.10 feet to a 5/8 inch diameter rebar with an orange identification cap stamped "ANDERSON FIRM #29A" on the West right-of-way line of Tyrone Road per Document #200077787; thence North 00 degrees 18 minutes 00 seconds West along said West right-of-way line, 173.50 feet to a 5/8 inch diameter rebar with an orange identification cap stamped "ANDERSON FIRM #29A" monumenting the **POINT OF BEGINNING** for the parcel herein described; thence North 89 degrees 39 minutes 00 seconds West, a distance of 145.74 feet to a 5/8 inch diameter rebar with an orange identification cap stamped "ANDERSON FIRM #29A" (noted as an Anderson rebar in the remainder of this description) on the east line of the Michael & Gail Bernhardt parcel, Document #92-32950; thence North 00 degrees 28 minutes 10 seconds West on said east line and the east line of the Gerald & Sharon Toor parcel, Document #206070220; a distance of 73.49 feet to an Anderson rebar monumenting the northeast corner of said Toor parcel, Document #206070220; thence South 89 degrees 39 minutes 00 seconds East on a northerly line of said Tyrone Villa Apartments, LLC parcel, 43.25 feet to an Anderson rebar; thence North 00 degrees 28 minutes 10 seconds West on a westerly line of said Tyrone Villa Apartments, LLC parcel, 158.85 feet to an Anderson rebar; thence North 89 degrees 05 minutes 46 seconds West on a southerly line of said Tyrone Villa Apartments, LLC parcel, 42.20 feet to an Anderson rebar monumenting the Southeast corner of the Tennison parcel, Document #200067179; thence North 00 degrees 28 minutes 10 seconds West along the East line of said Tennison parcel, 92.84 feet to an Anderson rebar on the center line of the Trentman Drain, being also the South line of a Sakowicz parcel, Document #204062295; thence North 84 degrees 54 minutes 14 seconds East along said South line, being within the banks of said Trentman Drain, 401.99 feet to an Anderson rebar on the West right-of-way line of said Norfolk Southern Railroad; thence South 00 degrees 38 minutes 39 seconds West along said West right-of-way line, 294.48 feet to an Anderson rebar; thence South 89 degrees 42 minutes 00 seconds West on a southerly line of said Tyrone Villa Apartments, LLC parcel, 200.09 feet to an Anderson rebar on the East right-of-way line of said Tyrone Road; thence continuing Northerly along said Tyrone Road right-of-way line being a regular curve to the left and having a radius of 50.00 feet, a distance of 235.62 feet (chord bearing of North 45 degrees 18 minutes 00 seconds West and chord distance of 70.71 feet) to an Anderson rebar monumenting the point of tangency of said curve; thence South 00 degrees 18 minutes 00 seconds East along the West right-of-way line of said Tyrone Road, 118.50 feet to the true point of beginning, *containing 2.409 acres of land, more or less.*

EXHIBIT A

EXHIBIT A

A part of the north half of Section 21, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East/West center line of said sections and the west line of the old L.E. & W. RR, iron pin set (set), said point also being the northeast corner of Lot 16 of Tyrone Addition to Fort Wayne; thence North 89 degrees 00 minutes West along the center line of said Section 21, a distance of 246.10 feet to an IPS; thence North 0 degrees 21 minutes East a distance of 290.00 to an IPS; thence along a tangent curve, to the right, having a radius of 50.00 feet, a delta of 270 degrees, and an arc length of 235.62 feet to an IPS; thence South 89 degrees 39 minutes East a distance of 196.66 feet to the west line of said RR (IPS); thence South 0 degrees 29 minutes West along said west line, a distance of 240.00 feet to the point of beginning, containing 1.55 acres, more or less.

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EXHIBIT A

EXHIBIT B

Legal Description-Ingress/Egress Easement

Description of real estate;

A part of the north half of Section 21, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the East/West center line of said section and the west line of the old L.E. & W. RR, iron pin set (set), said point also being the northeast corner of Lot 16 of Tyrone Addition to Fort Wayne; thence North 89 degrees 00 minutes West along the center line of said Section 21, a distance of 196.10 feet to the true point of beginning; thence continuing west along the center line of said Section 21, a distance of 50 feet to an IPS; thence North 0 degrees 21 minutes East, a distance of 290.00 to an IPS; thence along a tangent curve, to the right, having a radius of 50.00 feet, a delta of 270 degrees, and an arc length of 235.62 feet to an IPS; thence South 00 degrees 21 seconds East a distance of 240 feet to the point of beginning.

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EXHIBIT A

EXHIBIT C - RESTRICTIVE COVENANTS

1. The subject real estate shall be used only for residential building purposes.
2. No building shall be built on any tract of real estate having a ground floor area upon foundation exclusive of open porches or garage, of less than 1100 square feet for a one story dwelling, nor less than 800 square feet for a dwelling of more than one story.
3. No building shall be located on any lot nearer to the front lot line than 25 feet provided that all buildings must be located in conformity with the zoning code of the City of Fort Wayne.
4. No dwelling shall be erected or placed on any tract having a width of less than 60 feet at the minimum building set back line nor shall any dwelling be erected or placed on any tract having an area of less than 10,000 square feet.
5. No noxious or offensive activity shall be carried on upon any tract nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
6. All buildings shall be constructed in a substantial and good workmanlike manner and of new materials.

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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 Mediservice Leasing, LLC for real property improvements in the amount of \$500,000. Mediservice Leasing, LLC will construct two duplexes with each four bedroom unit containing approximately 1,500 square feet that will house developmentally disabled adults.**

EFFECT OF PASSAGE: **In order to continue to serve disabled adults, Life, Inc. will be expanding its services for residential care with the development of housing on currently vacant land. 26 part-time jobs will be created as a result of the project**

EFFECT OF NON-PASSAGE: **Potential loss of residential development on vacant land and 26 part-time jobs**

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

ASSIGNED TO COMMITTEE (CO-CHAIRS): **Russell Jehl and John Crawford**