

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4404 Engle Ridge Drive, Fort Wayne, Indiana 46804 (Pool Factory II, LLC/Trivector Manufacturing)

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 48 full-time, permanent jobs for a total additional annual payroll of \$1,389,990, with the average new annual job salary being \$28,958 and retain 35 full-time, permanent jobs for a current annual payroll of \$1,480,933, with the average current annual job salary being \$42,312; and

WHEREAS, the total estimated project cost is \$1,780,000; 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 and information technology 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 and information technology equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably expected to result from the proposed described installation of the new manufacturing, logistical distribution and information technology equipment.

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 \$3.3065/\$100.
- If the proposed development does occur and no deduction is granted, the approximate current year tax rate for the site would be \$3.3065/\$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 \$3.3065/\$100 (the change would be negligible).
- If the proposed new manufacturing, logistical distribution and information technology equipment is not installed, the approximate current year tax rates for this site would be \$3.3065/\$100.
- If the proposed new manufacturing, logistical distribution and information technology equipment is installed and no deduction is granted, the approximate current year tax rate for the site would be \$3.3065/\$100 (the change would be negligible).
- If the proposed new manufacturing, logistical distribution and information technology equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the approximate current year tax rate for the site would be \$3.3065/\$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 ten years, and that the deduction from the assessed value of the new manufacturing, logistical distribution and information technology equipment shall be for a period of ten years.

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

Year of Deduction	Percentage
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%

SECTION 8. The deduction schedule from the assessed value of new manufacturing, logistical distribution and information technology equipment pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

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 new manufacturing, logistical distribution and information technology equipment, 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 and submitted along with the deduction application at the time of filing.

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 new manufacturing, logistical distribution and information technology equipment acquired.

1 The number of employees hired through the end of the preceding calendar year as a result of
2 the deduction.

3 The total salaries of the employees hired through the end of the preceding calendar year as a
4 result of the deduction.

5 The total number of employees employed at the facility receiving the deduction.

6 The total assessed value of the real and/or personal property deductions.

7 The tax savings resulting from the real and/or personal property being abated.

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

10 **SECTION 14.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a
11 deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as
12 determined by the county auditor in accordance with section 12 of said chapter if the property owner
13 ceases operations at the facility for which the deduction was granted and if the Common Council finds that
14 the property owner obtained the deduction by intentionally providing false information concerning the
15 property owner's plans to continue operation at the facility.

16 **SECTION 15.** That, this Resolution shall be in full force and effect from and after its passage
17 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

EXHIBIT "A"

Legal Description and Site Diagram for 4404 Engle Ridge Drive

PARCEL I:

The North 255.0 feet of Block #6 in Engle Ridge Industrial Park, Section "B", an Addition to the City of Fort Wayne, Indiana, as recorded in Plat Record 37, pages 23-25.

PARCEL II:

Block Number 6, except the North 255.0 feet thereof, in Engle Ridge Industrial Park, Section "B", an Addition to the City of Fort Wayne, Indiana, together with part of the West Half of the Northeast Quarter of Section 20, Township 30 North, Range 12 East, Allen County, Indiana, said part being more particularly described as follows, to-wit:

BEGINNING at the Southwest corner of said Block Number 6; thence South 02 degrees 08 minutes East (assumed bearing) on and along the Southerly projection of the West line of said Block Number 6, a distance of 65.0 feet; thence North 90 degrees 00 minutes East and parallel to the South line of said Block Number 6, a distance of 330.56 feet to the Westerly right of way line of Engle Ridge Drive; thence Northerly, on and along said Westerly right of way line as defined by a regular curve to the left having a radius of 342.05 feet, an arc distance of 27.93 feet (the chord of which bears North 00 degrees 12 minutes East, for a length of 27.92 feet) to the point of tangency; thence North 02 degrees 08 minutes West, continuing along said Westerly right of way line, and tangent to said curve, a distance of 37.06 feet to the Southeast corner of said Block Number 6; thence South 90 degrees 00 minutes West, on and along the South line of said Block Number 6, a distance of 331.7 feet to the point of beginning, said part containing 0.494 acres of land and the total, containing 2.054 acres of land.

PARCEL III:

Part of the West Half of the Northeast Quarter of Section 20, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

BEGINNING on the Southerly projection of the West line of Block #6 in Engle Ridge Industrial Park, Section "B", an Addition to the City of Fort Wayne, Indiana, at a point situated 65.0 feet, South 02 degrees 08 minutes East from the Southwest corner of said Block #6; thence South 02 degrees 08 minutes East, on and along said Southerly projection, a distance of 326.29 feet to the Northwesterly right-of-way line of Engle Ridge Drive; thence ~ Northeasterly, on and along said Northwesterly right-of-way line, as defined by a regular curve to the left having a radius of 342.05 feet, an arc distance of 498.78 feet (the chord of which bears North 44 degrees 19 minutes East, for a length of 455.75 feet); thence South 90 degrees 00 minutes West and parallel to the South line of said Block #6, a distance of 330.56 feet to the point of beginning, containing 1.861 acres of land.

PARCEL IV:

Part of Engle Ridge Industrial Park, Section "B", as recorded in the Office of the Recorder of Allen County, Indiana, and a part of the West Half of the Northeast Quarter of Section 20, Township 30 North, Range 12 East, Allen County, Indiana, all being more particularly described as follows, to-wit:

BEGINNING at a rebar found monumenting the Southeast corner of Block 7 in said Industrial Park; thence North along the East line of said Block 7, a distance of 853.32 feet (platted 852.9 feet) to the Northeast corner of said Block 7, said corner being monumented by a rebar found 2.31 feet North and 1.00 feet East; thence East with a deflection angle to the right of 92 degrees 08 minutes along the North line of said Industrial Park, a distance of 40.03 feet to the Northwest corner of Block 6 in said Industrial Park, said corner being monumented by a rebar found 0.10 feet South and 0.75 feet East; thence South with a deflection angle to the right of 87 degrees 52 minutes along the West line of said Block 6 and the West line of said Block 6 projected South, a distance of 853.32 feet to a rebar found on the North right-of-way line of Arden Drive (as reference by monuments found); thence West along said North right-of-way line, a distance of 40.03 feet to the point of beginning, containing 0.78 acres of land, more or less.

EXCEPTING THEREFROM:

The South 200 feet of the West 20 feet of the 40 foot wide railroad spur shown along the East side of Block #7 in the plat of Engle Ridge Industrial Park, Section "B", as recorded in Plat Record 37, pages 23-25 in the Office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the Southeasterly corner of said Block #7; thence North 00 degrees 08 minutes 49 seconds East, along the West line of said railroad spur, a distance of 200.00 feet; thence South 89 degrees 51 minutes 11 seconds East, a distance of 20.00 feet to the centerline of said railroad spur; thence South 00 degrees 08 minutes 49 seconds West, along the centerline of said railroad spur, a distance of 200.00 feet to a point on the North line of Arden Drive; thence North 89 degrees 51 minutes 11 seconds West, along the North line of Arden Drive, a distance of 20.00 feet to the point of beginning, containing 0.092 acres, more or less.

PARCEL V:

Block Number 7 in Engle Ridge Industrial Park, Section "B", an Addition to the City of Fort Wayne, Indiana, EXCEPTING THEREFROM the North 99.0 feet thereof and EXCEPTING THEREFROM the South 200 0 feet thereof, as recorded in Plat Record 37, pages 23-25.

BEING ALTOGETHER DESCRIBED AS FOLLOWS:

BEGINNING at the Northeast corner of Block #6 in Engle Ridge Industrial Park, Section "B ", being recorded in Plat Record 37, pages 23-25 in the Office of the Recorder of Allen County, Indiana; thence Southerly, on and along the East line of said Block #6 and the Southerly projection thereof, being also the West right-of-way of Engle Ridge Drive, a distance of 497.06 feet to the point of curvature of a regular curve to the right having a radius of 342.05 feet; thence Southwesterly, on and along said right-of-way line as defined by said curve and being recorded in Document Number 7424664 in the Office of said County, an arc length of 537.29 feet, being subtended by a long chord having a length of 483.72 feet forming a central angle of 90 degrees 00 minutes to the point of tangency; thence Westerly and tangent to said curve and on and along the North right-of-way line of Arden Drive, a distance of 29.43 feet to the Southeast corner of Block #7 in said Engle Drive Industrial Park; thence Northerly, on and along the East line of said Block #7, a distance of 200.0 feet; thence Westerly and parallel with the South line of Block #7, a distance of 329.77 feet to the West line thereof; thence Northerly, on and along said West line, being also the East right-of-way line of Clubview Drive, a distance of 566.2 feet to a point situated 99.0 feet Southerly from the Northwest corner of said Block #7; thence Easterly and parallel with the North line of said Block #7, a distance of 330.0 feet to the East line thereof; thence Northerly, on and along said East line, a distance of 99.0 feet to the Northeast corner thereof; thence Easterly, on and along the Westerly projection of the North line of said Block #6 and the North line of said Block #6, a distance of 371.7 feet to the point of beginning, containing 10.878 acres of land.

[SEE ATTACHED SITE DIAGRAM]

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 Pool FactoryII, LLC/Trivector Manufacturing for both real and personal property improvements in the amount of \$1,780,000. Pool FactoryII, LLC/Trivector Manufacturing will renovate an existing 127,000 square foot industrial building. Improvements include repair of the roof, construction of a clean area and a special lamination area for the manufacture of products, and install a reinforced foundation substructure. Trivector Manufacturing will also purchase new manufacturing, logistical distribution and information technology equipment.

EFFECT OF PASSAGE: Pool FactoryII, LLC/Trivector Manufacturing will renovate an existing building that will enable them to accommodate for projected additional growth for their products. The equipment investment will also enable them to remain technologically efficient in the design and fabrication of their products. 35 full-time jobs will be retained and 48 full-time jobs will be created as a result of the project.

EFFECT OF NON-PASSAGE: Potential loss of development and 48 full-time jobss

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

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