

A CONFIRMING RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 918 W. Cook Road, Fort Wayne, Indiana 46825 (CWSW LLC d/b/a Dirig Sheet Metal)

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 6 full-time, permanent jobs for a total new, annual payroll of \$343,928, with the average new annual job salary being \$57,321 and retain 76 full-time and 4 part-time permanent jobs for a total current annual payroll of \$3,677,456, with the average current, annual job salary being \$45,968; and

WHEREAS, the total estimated project cost is \$1,435,000; 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 occupation of an eligible vacant building, real estate, and personal property for new manufacturing, information technology, and logistical distribution 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 the value of the occupation of the eligible vacant building, the estimate of redevelopment or

1 rehabilitation, and estimate of the value of the new manufacturing, information technology, and logistical
2 distribution equipment, all contained in Petitioner's Statement of Benefits are reasonable and are benefits
3 that can be reasonably expected to result from the proposed described occupation of the eligible vacant
4 building, redevelopment or rehabilitation, and installation of the new manufacturing, information
5 technology, and logistical distribution equipment.

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

- 7 (a) If the proposed development does not occur, the approximate current year tax rates for this
8 site would be \$3.1973/\$100.
- 9 (b) If the proposed development does occur and no deduction is granted, the approximate
10 current year tax rate for the site would be \$3.1973/\$100 (the change would be negligible).
- 11 (c) If the proposed development occurs, and a deduction percentage of fifty percent (50%) is
12 assumed, the approximate current year tax rate for the site would be \$3.1973/\$100 (the
13 change would be negligible).
- 14 (d) If the proposed new manufacturing, information technology, and logistical distribution
15 equipment is not installed, the approximate current year tax rates for this site would be
16 \$3.1973/\$100.
- 17 (e) If the proposed new manufacturing, information technology, and logistical distribution
18 equipment is installed and no deduction is granted, the approximate current year tax rate for
19 the site would be \$3.1973/\$100 (the change would be negligible).
- 20 (f) If the proposed new manufacturing, information technology, and logistical distribution
21 equipment is installed and a deduction percentage of eighty percent (80%) is assumed, the
22 approximate current year tax rate for the site would be \$3.1973/\$100 (the change would be
23 negligible).
- 24 (g) If the proposed occupation of the eligible vacant building does not occur, the approximate
25 current year tax rates for this site would be \$3.1973/\$100.
- 26 (h) If the proposed occupation of the eligible vacant building occurs and no deduction is granted,
27 the approximate current tax rate for the site would be \$3.1973/\$100 (the change would be
28 negligible).
- 29 (i) If the proposed occupation of the eligible vacant building occurs, and a deduction percentage
30 of fifty percent (50%) is assumed, the approximate current year tax rate for this would be
\$3.1973/\$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, the deduction from the
assessed value of the new manufacturing, information technology, and logistical distribution equipment
shall be for a period of seven years, and 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 new manufacturing, information technology, and logistical distribution equipment 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 9. The deduction schedule from the assessed value of the vacant building pursuant to I.C. 6-1.1-12.1-17 shall look like this:

Year of Deduction	Percentage
1	100%

SECTION 10. 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 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

1 the deduction application. For subsequent years, the performance report must be updated each year in
2 which the deduction is applicable at the same time the property owner is required to file a personal
3 property tax return in the taxing district in which the property for which the deduction was granted is
4 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.

5 **SECTION 12.** For new manufacturing, information technology, and logistical distribution
6 equipment, a deduction application must contain a performance report showing the extent to which there
7 has been compliance with the Statement of Benefits form approved by the Fort Wayne Common Council
8 at the time of filing. This report must be submitted to the Allen County Auditor's Office, and the City of Fort
9 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.

10 **SECTION 13.** For the eligible vacant building, a deduction application must contain a
11 performance report showing the extent to which there has been compliance with the Statement of Benefits
12 form approved by the Fort Wayne Common Council at the time of filing. This report must be submitted to
13 the Allen County Auditor's Office and the City of Fort Wayne's Community Development Division and must
14 be included in the deduction application. For subsequent years, the performance report must be updated
15 each year in which the deduction is applicable at the same time the property owner is required to file a
16 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.

17 **SECTION 14.** The performance report must contain the following information:

- 18 A. The cost and description of real property improvements and/or new manufacturing,
information technology, and logistical distribution equipment acquired.
- 19 B. The number of employees hired through the end of the preceding calendar year as a result of
the deduction.
- 20 C. The total salaries of the employees hired through the end of the preceding calendar year as a
21 result of the deduction.
- 22 D. The total number of employees employed at the facility receiving the deduction.
- 23 E. The total assessed value of the real and/or personal property deductions.
- 24 F. The tax savings resulting from the real and/or personal property being abated.

25 **SECTION 15.** That, the taxpayer is non-delinquent on any and all property tax due to
jurisdictions within Allen County, Indiana.

26 **SECTION 16.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that has received a
27 deduction under section 3 or 4.5 of this chapter may be required to repay the deduction amount as
28 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

1 the property owner obtained the deduction by intentionally providing false information concerning the
2 property owner's plans to continue operation at the facility.

3 **SECTION 17.** That, this Resolution shall be in full force and effect from and after its passage
4 and any and all necessary approval by the Mayor.

5 _____
6 Member of Council

7 APPROVED AS TO FORM A LEGALITY

8 _____
9 Carol Helton, City Attorney

EXHIBIT A

LEGAL DESCRIPTION: (Document Number 204002959)

Part of the West Half of the Southwest Quarter of Section 11, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

COMMENCING on the East line of the West Half at a point situated 45.0 feet, North 00 degrees 10 minutes 01 seconds West (deed bearing and is used as the basis of the bearings in this description) from the Southeast corner of said West Half; thence North 89 degrees 37 minutes 35 seconds West, and parallel to the South line of said Southwest Quarter, a distance of 734.58 feet to the True Point of Beginning; thence North 89 degrees 37 minutes 35 seconds West, continuing parallel to said South line, a distance of 578.21 feet to a point on the West line of said Southwest Quarter; thence North 00 degrees 02 minutes 02 seconds West, on and along said West line, a distance of 600.0 feet; thence South 89 degrees 37 minutes 35 seconds East and parallel to said South line, a distance of 657.48 feet; thence South 00 degrees 22 minutes 25 seconds West, a distance of 525.0 feet to the point of curvature of a regular curve to the right having a radius of 75.0 feet; thence Southwesterly, on and along the arc of said curve, an arc distance of 117.81 feet, being subtended by a long chord having a length of 106.07 feet and a bearing of South 45 degrees 22 minutes 25 seconds West to the True Point of Beginning, containing 8.999 acres of land.

Further described following a field survey under Rule 12 - IAC 865 as follows:

Part of the West Half of the Southwest Quarter of Section 11, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

COMMENCING on the East line of the West Half at a point situated 45.0 feet, North 00 degrees 10 minutes 01 seconds West (deed bearing and is used as the basis of the bearings in this description) from a P.K. nail found and accepted as marking the Southeast corner of said West Half; thence North 89 degrees 37 minutes 35 seconds West and parallel to the South line of said Southwest Quarter, a distance of 734.58 feet (recorded 734.58 feet) to a 1/2-inch rod found at the True Point of Beginning; thence North 89 degrees 37 minutes 35 seconds West, continuing parallel to said South line, a distance of 578.21 feet to a 1/2-inch rod found on the West line of said Southwest Quarter; thence North 00 degrees 02 minutes 02 seconds West, on and along said West line, a distance of 600.0 feet; thence South 89 degrees 37 minutes 35 seconds East and parallel to said South line, a distance of 657.48 feet to a 5/8-inch rod found; thence South 00 degrees 22 minutes 25 seconds West, a distance of 525.0 feet to a 1/2-inch rod found at the point of curvature of a regular curve to the right having a radius of 75.0 feet; thence Southwesterly, on and along the arc of said curve, an arc distance of 117.81 feet, being subtended by a long chord having a length of 106.07 feet and a bearing of South 45 degrees 22 minutes 25 seconds West to the True Point of Beginning, containing 8.999 acres of land, subject to and/or together with all easements of record.

SURVEYOR'S REPORT

Under Title 865, Article 1, Chapter 12, Section 7 et. Seq. of the Indiana Administrative Code, the following report is submitted with regard to:

- Variances in the reference monuments
- Discrepancies in record descriptions and plans
- Inconsistencies in lines of occupation
- Random errors in measurements

The Theoretical Uncertainty due to random errors in measurements of the corners established in this survey is less than or equal to the specifications for a Class C Survey (0.50 feet) as defined in IAC 865.

The purpose of this survey is to perform an ALTA/ACSM Land Title Survey of an 8.999 acre tract of land previously surveyed by Z. K. Tazian Associates, Inc. on October 14, 1967 and resurveyed on July 24, 1991 and July 31, 1996.

References used for this survey:

- Previous Z. K. Tazian Associates, Inc. Survey Number 91-7-69 for subject tract.
- Record deeds for subject tract and adjoining tracts.
- Title Commitment No. 200430586, effective date February 4, 2004, issued by Commonwealth Land Title Insurance Company.
- Allen County Surveyor's Office references for section corner in Section 11-31-12.

The South line of the Southwest Quarter of Section 11-31-12 was determined from a P.K. nail found at the Southwest corner of said Southwest Quarter and a broken P.K. nail found at the Southeast corner of the West Half of said Southwest Quarter. The West line of said Southwest Quarter was determined from the P.K. nail found at the Southwest corner of said Southwest Quarter and a 5/8-inch rod found at the West Quarter corner of said Southwest Quarter. The corners of the subject tract are marked as shown on the survey in conformity with said monuments and recorded dimensions. A 5/8-inch rod was found 0.5 feet East of the Northwest corner of subject tract. No monument was set at that corner. The measured distance from the broken P.K. nail found at the Southeast corner of the West Half of said Southwest Quarter to the Southeast corner of subject tract varied from record dimension by 4.22 feet as shown on the survey. The P.K. nail has not been referenced by the Allen County Surveyor's Office. The existing survey monuments found for the subject tract marked the true corners, except the Northwest corner. The West line of the subject tract goes to the West line of the Southwest Quarter of said section and the East line of subject tract is the West right-of-way line of Honeywell Drive.

The bearings shown on the survey are based upon the current description for the subject tract and surrounding tracts, said descriptions were written by Z. K. Tazian Associates, Inc.

Existing building, pavement, ponds and surface utilities are shown on the survey.

Consistent with the above findings it is the opinion of the undersigned that the above stated survey is subject to the following uncertainties with regard to the location of the lines and corners established therein.

Variances in reference monuments:	0.5 feet East-West at the Northwest corner.
Discrepancies in record description:	4.22 feet as shown on the survey
Inconsistencies in lines of occupation:	As shown on the survey

To: Olde York Potato Chips, Inc., an Indiana Corporation, National City Bank of Indiana, its successors and assigns, Liberty Bell Management Co., an Indiana Corporation, Commonwealth Land Title Insurance Company, and Three Rivers Title Company, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM, and NSPS in 1999, and includes Items 1, 2, 3, 4, 7(a), 8, 9, 10, 11(a) and 13 of Table "A" thereof. Pursuant to the Accuracy Standards as adopted by ALTA, ACSM, and NSPS and in effect on the date of this certification, the undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

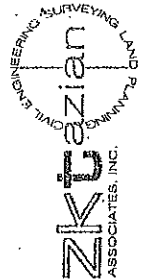
Date: April 13, 2004

(signed) *Z. K. Tazian* (seal)
Registration No. S0011



I hereby certify that the Survey was wholly performed under my supervision, that I am a registered Land Surveyor in Indiana, and to the best of my knowledge and belief this Survey was executed according to the survey requirements in 865 IAC 1-12-13, as amended.

10104 Woodland Plaza Cove
FORT WAYNE, IN 46825
PH: (260) 497-7875
FAX: (260) 497-9114



ALTA/ACSM Land Title Survey
Part of the West Half of the Southwest Quarter, Sec. 11, T31N, R12E.

Liberty Bell Management Co.
918 W. Cook Road
Fort Wayne, IN, 46825

REVISION:
(See Revision Box)
Certification revised: 4/13/04

DRAWN BY: S.J.

JOB NO. 2004-02-02

DATE: March 11, 2004

SHEET TITLE:
ALTA/ACSM
Land Title Survey

SHEET NO.

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE: Confirming Resolution

DEPARTMENT REQUESTING ORDINANCE: Community Development Division

SYNOPSIS OF ORDINANCE: CWSW LLC d/b/a Dirig Sheet Metal is requesting the designation of an Economic Revitalization Area for both real and personal property improvements in the amount of \$1,435,000. In order to expand, CWSW LLC d/b/a Dirig Sheet Metal will update the HVAC system, plumbing, and electrical systems while renovating and expanding office space. They will purchase and install new manufacturing, logistical distribution, and information technology equipment. Finally, CWSW LLC d/b/a Dirig Sheet Metal will move into a vacant building.

EFFECT OF PASSAGE: Installing new equipment and completing the real property improvements will allow CWSW LLC d/b/a Dirig Sheet Metal to maintain a competitive business environment. Six full-time jobs will be created.

EFFECT OF NON-PASSAGE: Potential loss of development and six full-time jobs.

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

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